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HISTORY OF THE SOCIETY OF JESUS IN NORTH AMERICA

COLONIAL AND FEDERAL

NIHIL OBSTAT

Joseph Grimmelsman, S.J.,
Praepositus Provinciae Missourianae S.J.

St. Louis University,
St. Louis, Mo., U.S.A.,
November 28, 1905.

IMPRIMATUR

Si ita placebit R^mo Patri Magistro Sacri Palatii Apostolici
Joseph Patriarcha Co^pnus Vicesg.

Romae,
Die 12 *Jan.*, 1906.

IMPRIMATUR

Fr. Albertus Lepidi, O.P.
S. P. Ap. Magister.

Romae,
Die 20 *Jan.*, 1906.

HISTORY

OF

THE SOCIETY OF JESUS

IN

NORTH AMERICA

COLONIAL AND FEDERAL

BY

THOMAS HUGHES

OF THE SAME SOCIETY

DOCUMENTS

VOLUME I PART I Nos. 1–140

(1605–1838)

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PREFACE

The documents presented here are meant to illustrate the historical text in general of the History of the Society of Jesus in North America, Colonial and Federal.

First in order are some Preliminary papers belonging to the earlier colonial period, 1605–1633. They are followed by Administrative documents, consisting of letters, written by the General of the Order and bearing on American affairs, from 1629 till 1744. Supplementing these, a Narrative section comprises an exact redaction of Annual Letters and kindred papers or fragments, as far as they touch the same subject. Controversial documents are subjoined on the question of property and civil rights, as disputed in the first stage of Maryland history between the colonial Proprietary, Cecil Lord Baltimore, and the Jesuit missionaries.

In these papers, the portion which is antecedent to the date 1645 forms the documentary apparatus corresponding to the first volume of text, already published. The same remark applies to the papers in the Sections following, those which are called a Documentary Excursus on Jesuit Property and its Uses.

By way of supplement to the controversy between Lord Baltimore and the missionaries, and as a preliminary to other disputes in later times, we give an authentic sketch of Jesuit property titles, and of missionary ways and means.

This portion on Property and its Uses recommended itself for a complete and exhaustive treatment at once. While offering on the one hand the attraction of contributing a vast quantity of new documents, and on the other a unity of place and subject covering two hundred years, it bore on the face of it an evident inconvenience, if we divided it into successive parts, which should correspond to the epochs of our historical text. There would be need of considerable repetition; or there would result considerable disconnection.

We have therefore treated the whole subject here as one piece, in Sections II.–VII.

A thousand documents, running on continuously, did not promise a sufficient organic unity, unless we divided them analytically into parts or members, and added illustrative observations to make a synthesis of the whole, organically complete. Accordingly, we have brought subordinate parts together under separate headings; and we have inserted a connective thread of historical explanations or documentary scholia. Thus from the subject, which is property, from the matter, which is documentary, and from the manner of presentment, which is that of being arranged in parts and annotated, this portion, Sections II.–VII., *has taken the form of a treatise, or Documentary Excursus on Jesuit Property and its Uses.*

Other circumstances concurred to impose this arrangement. A certain period of Jesuit life in British North America, no less than in Great Britain, had no history. That was the interval of Suppression, 1773–1805. The priests, recently members of the Order, remained on the ground. They were called ex-Jesuits. But, being unsettled and dislodged from their membership, they should have to be ignored in great part by an historian of the Order during the period of corporate extinction, were it not that they claimed recognition, both individually and as a body, under the aspect of a temporary organization, which was precisely a property-holding incorporation. By means of this they preserved the ancient estates for restoration to the Society, when the Order itself was restored. And so, in this episode of the property, which was a monument to their fidelity, history preserves a monument to their memory.

Again, as for all dates in the archives there occur the names of many persons who appear in some relation to the property, we have had occasion in the Excursus to draw on this fund of names, many of which might never have found a place in our history. Not a few significant contributions to colonial history are made here, because of the new connections in which the names of certain persons are seen to recur.

Finally, an important reason for following this path to its term lay in the controversial character of many documents, which we did not propose to favour hereafter with a conspicuous place in the historical text. Nevertheless, numerous as these papers are, and scattered in many archives of Europe and America, they are of

such a kind as calls for production somewhere; and, if we omitted them now, others in the course of time would produce them. We have put them in their place here. It may prove a subject of satisfaction that so much of their contentious matter is decorously draped in the garb of foreign languages. We should have left them without summary, abstract or scholion, did not uniformity in the treatment of this Excursus, as well as the exigencies of students not sufficiently versed in all these languages, prohibit our discriminating merely for the sake of a sentiment.

Dr. J. G. Shea, historian of the Catholic Church in the United States, thought himself at liberty to pass over the subject in the most perfunctory manner possible; and, in private letters which contain some lively expressions of his feelings, he seemed to give the matter the benefit of a doubt, whether it were not so far a live question as to be conscientiously relegated till it should die. But it is dead for nearly a hundred years; and sentiment in the living does not impart the privilege of life to that which has already entered into the franchise of never being able to revive, and of being entitled to the same treatment as any other question, settled and laid away in documents as cold as itself. The archives here contain much matter which affects the personal character of individuals and the moral standing of a religious organization. And, if anywhere, it is on such ground that the residue of truth, which is never exclusive of justice, is due to the memory of ancestry and to the mind of posterity. Hence no sentimental view of the question can be allowed to except it from the application of some plain historical canons, that a significant and important subject is not to be suppressed, and that the texts relative to it are not arbitrarily to be picked out or left out in presenting the whole substance of the case. Eschewing only useless repetitions which add nothing to the substance, we have exhausted the matter; and, adding sufficient illustrations from the utterances of synods, provincial councils, Sacred Congregations and the Roman Pontiffs, we have presented it with an amplitude, which probably will leave nothing for a critical sense to desiderate, and will qualify a competent judgment to decide.

This Excursus, exhibiting under divers aspects the incunabula of Catholic Church history in the United States, shows also to the same degree the origin of things which were developed later, but then were only in their cradle: questions touching not only property but also ecclesiastical jurisdiction, bishops and regulars,

trusteeism lay and ecclesiastical, relations of the Church with the Government, effects of incorporation; not to mention the rise of Catholic secondary education, the boundaries of seminary and liberal studies, and modifications in Catholic life introduced by the fact and character of the American Revolution. Not least interesting seems to be the partial fulfilment of a desire which we have found expressed in a document, laid away among the preserves of a European depository. Speaking of Dr. John Carroll's extensive correspondence with his friend, Father Charles Plowden, the anonymous writer expresses a longing to see the day when those letters would be published. As far as the precise scope of the Excursus calls for it, we have published them. And, since the use of Carroll's papers here, whether from the Plowden correspondence or from other funds hitherto unused, is from a point of view never taken before, it will be found that this contribution to the biography of the founder of the American Catholic hierarchy is entirely new.

The mere necessities of printing have caused the division of this portion, Documents, Volume I., *into separate Parts, I. and II. Owing to the same necessities, we have omitted, at least for the present, several sections which were originally projected; such as Ordinances for the conduct of missionary life, Faculties for the ministries, the subject of Slaves, and a complete list of missionaries who served in the Colonies.*

The Index for both Parts together will be found at the end of the second.

THE AUTHOR.

Rome,
Collegio P. L. Americano,
July 31, 1907.

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INTRODUCTION

REGISTER AND NOTICES OF THE SOURCES

SECTIONS THE FIRST AND SECOND

§§ 1–5. *See* History, I. pp. 1–31.

Particular documents or depositories used in this work, and meriting special attention, are entered in a Bibliographical Index, which directs the reader to the place of citation describing them.

SECTION THE THIRD

§ 6. *Principles of editing.* *Cf.* History, I. p. 32.

We have adopted or adapted some rules of editing proposed at the Frankfort Congress of German historians, 19 April, 1895.[1]

1. *Documentary matter is printed in Roman type. All other matter in Italic. A translation of documentary matter is placed in Italic between inverted commas.—This rule does not apply to mere headings, or citations of pages and notes.*

2. *Where the entire context of a document is unnecessary or irrelevant, an extract is given in Roman type, or a summary in Italic.*

3. *All the documents relating to a given subject are brought together, eliminating only repetitions which add nothing to the substance.*

4. *Punctuation is supplied so far as the sense of a document obviously requires.*

5. *In long texts not divided by paragraphs, or not marked by numbers, the division may be made, and numbers added in Italic capitals within square brackets.*

[1] *Cf.* Bericht über die dritte Versammlung deutscher Historiker, 18. bis 21. April. 1895, in Frankfurt a. M. Leipzig, 1895; pp. 18–25.

6. *Flagrant clerical errors are corrected in the texts. Original errors of spelling or construction are left as they stand.*

7. *Broken lines - - - signify a blank or an illegible passage in the original; dots . . . an omission in the editing.*

8. *Abbreviations which are not open to doubt may be found expanded. For particular reasons, as that of helping to identify a writer, they may be left as in the original.*

9. *Parentheses ( ) are to be understood as being in the original. Square brackets [ ] contain additions in editing the text. Notes of interrogation [?] signify that the reading is not clear. Notes of exclamation [!], that the word or passage so marked is given as in the original.*

10. *The sources of documents, their character, sometimes their exact length with other particulars, are noted in Brevier type immediately after the text, or after a group of documents more or less related.*

Other principles of editing which have been followed are sufficiently clear on inspection.

Under certain heads of the Bibliographical Index, some series of acts or papers which, owing to the grouping of documents, have not been used in their natural order, will be found re-arranged, as they stand in the original, or as the chronological order requires.

§ 7. *Partial List of Generals S.J., and Provincials of the English Province.* *See* History, I. pp. 32, 33.

§ 8. *Full Titles of Books quoted.* *See* Ibid., pp. 34–44.

§ 9. *Abbreviations.* *See* Ibid., pp. 44, 45.

SECTION I

PRELIMINARY, ADMINISTRATIVE, NARRATIVE, CONTROVERSIAL

1605–1670

SECTION I

§ 1. Preliminary Documents, 1605–1633.

No. 1. **1605, March 18.**

Father Robert Parsons (Rome) to Mr. Winslade. *A discussion of the proposal that English Catholics emigrate to America; and decision against the measure as inopportune and impracticable.*—*See* History, I. § 3, pp. 153–155.

My judgement about transferring Englishe Catholiques to the Northen partes of Americe for inhabitinge those partes and convertinge those Barbarous peoples to Christianitie.

The intention of the Author and the good and godly endes proposed by hime and diverse good particularities of meanes and helpes, whereby to arive to those endes discreetly and piously put downe, I like very well; but yet, for the executione and puttinge in use the enterpriz it self, I find many great difficultyes, which seeme to me scarsly to be superable; as among others these that folowe.

First, for England it self, it is very likely that the Kinge and his counsel will never allowe of it, apprehendinge the same as not onely dishonorable to them but dangerous also; dishonorable, in that they should force so many of thire naturall subjectes to flie and abandon thire owne countrey, in respect of persecutione; dangerous, in that these men goinge abroade with averted mindes might joyne together, ether before thire goinge to the Indies or after, and returne uppon them havinge thire kinsfolk and frends at home to joyne with them; and then, the Kinge and counsell beinge against it, that moste needs folowe that nonn shall have licence to goe forth, nonn to sell theire lands, nonn to make over money, and the like: all which the Author himeself doth graunt; and out of this one head will growe many and great difficulties or rather impossibilities.

Secondly, for the Catholiques to be drawne to the enterpriz will be a very hard matter, for that the better and richer sort, in respecte of theire wealth and commodities at home and of the love of the countrey and feare of the state, will disdayne commonly to heare of such a motione; the poore sort without the riche will be of smal importance, besides that they

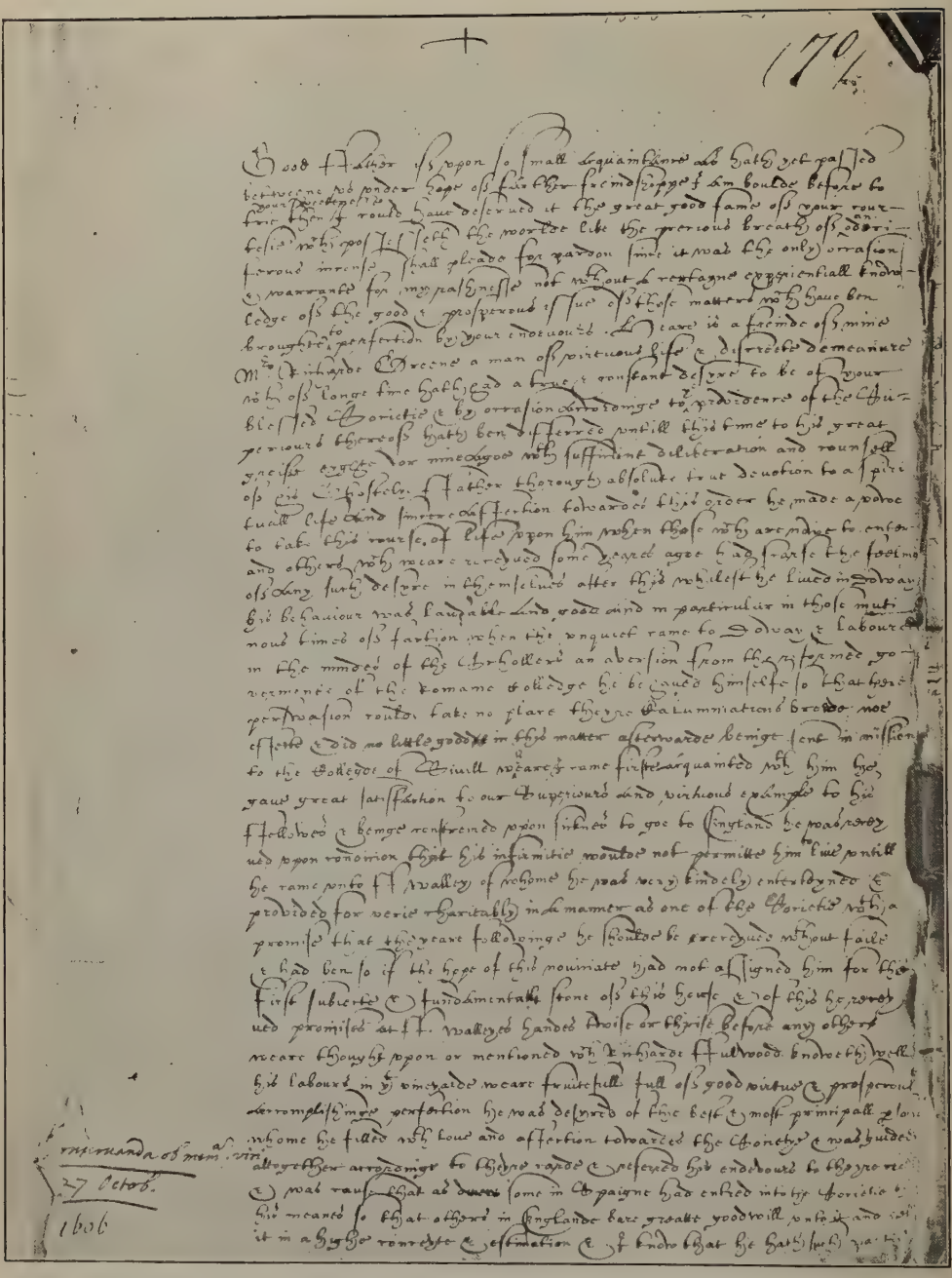
doe depende wholy of the riche and of thire counsell; and the difficultie of gettinge out will be common to all.

Thirdly, I doe persuade my self that, if this proposition should be begune or imparted to any Prince abroade without communicatinge the same first in England, it would be verie ill taken by the Catholickes generally, as a matter soundinge to thire discredite and contempte to have, as it were, theire exportatione to Barbarous people treated with Princes in thire name without theire knowledge and consente; the Heretickes also would laughe and exprobrate the same unto them, as they did when S^r^ George Peckhame and S^r^ Thomas Gerrarde, about xx yeares gone, should have made the same viage to Norembrage by the Queene and counselles consente with some evacuatione of Papistes as then they called them; which attempte became presently most odious to the Catholicke partie.

Fourthly, it may be more then probablie thought that this attempte may be very praejudiciall to the increase of Catholicke religione in England, not onely by decreasinge the number of Catholickes thire, and thireby discourageinge the rest and makinge them more contemptible to thire adversaryes, but also by exasperatinge the Kinge and estate against them as unquiet and practizing people; and so, by restrayninge thire goinge out and in, the entrance of Priests and comminge of scholars to the Seminaries would be more narrowly looked unto under that pretence; Priests also could not finde sufficient harbour in England; and other such like things would probable folowe.

Fiftely, for foren partes, princes and kingdome thire, doe offer themselves noe lesse or fewer difficulties: for, first, wither and to what place or porte shall they come that first come out of England, to witt, the first 1000 of diverse sortes of husband men, laborers and craftesmen required by the Author; and so, supposinge they might gette forth freely, how shall they be mantayned, and where, untill thire passaige be redy; for noe prince will easely admitt 1000 strangers into his countrey together without jelosy; especially if they shall offende also thereby the Kinge and state of England.

Sixthly, I doe see a mighty difficultie in behalfe of the Kinge of Spain and his counsell, who are soe jelouse that noe strainge nation take footinge in any parte of the Indyes, as not any particular man lightly, though he have lived never so longe in Spayne, canne gette licence once to goe thither, but by great sute and surties; and then may we imagine what they will think of the goinge thither of a whole nation, which may in time, uppon many occasions of state or otherwise, become thire enimyes though they be Catholickes; nether is it sufficient to say that those partes are not presently occupied by the Spaynairdes; for they will answere, they may be in time, and that it is noe reason, if a man have a pallace with a hundred chambers and doe occupie but 10 for the present, that a strainger enter uppon the rest and say that the other useth them not; the case of the Spaniardes is, that noe other European



Father A. White, (Louvain ?), 27 October, 1606, to Father J. Gerard, Rome. Stonyhurst MSS., *Anglia, A*, iii. 70, f. 139. With Father Chr. Grene's (?) note in the margin. (3/5 *scale of the original.*)

[*To face p.* 5.

natione have footinge in that continent beside them selves, where a fleet may reste and refreshe or fortifie her self againste the rest of the Indies possessed by them; and for this cause they made such haste and put them selves to such laboure and charges to extinguishe the Frenchmen that were in Nova Francia; and the like noe doubt would they doe to the Englishe if they should goe thither without theire licence; the which to obtaine I hould it for impossible; yet may it be attempted if any man will take it in hand.

And hereuppon, seventhly, it followeth that wee shall have very litle hope to deale with his heighnes or withe the Archeduke of Flanders, or any other Prince of Italy that is frend to the Kinge of Spaine, except first the saide Kinge be delt withall.

The collections also to be made aboute the world for furnishinge the enterprize would have very douptfull eventes in my opinione, and perhapps offende not onely the Kinge of England but the Catholickes also, to be spoken of in pulpitts for such a jorney; for that the people would not soe much looke in to the laste ende of convertinge those Barbarouse people as into the first apprehensione of thire flight.

Finally, what thire success would be amongest those wilde people, wilde beastes, unexperienced ayre, unprovided lande, God onely knoweth; yet, as I sayd, the intention of convertinge those people liketh me soe well and in soe high a degree, as for that onely I would desire my self to goe in the jorney, shuttinge my eyes to all other difficulties, if it were possible to obtayne it; but yet, for that wee doe not dele here for ourselves onely but for others also, wee moste looke to all other necessary circumstances, whereof the first and of moste importance are in my opinion that the matter be broken in England and Spaine, wherein for many reasons I may not be the breaker; but, if those ii were once optayned, I would then be willinge to do in Rome what lieth in me; and this is all that I canne say in this matter. Christ Jesus keepe you in health, this 18th of March, 1605.

Endorsed: A copye of F. Persons answere to Mr. Winslade touching Norimbega.

Stonyhurst College MSS., Anglia A, iii. ff. 109, 110, No. 53; *a contemporary copy.*

No. 2. **1606, October 27.**

Father Andrew White to Father Garret (John Gerard), Rome. *A petition on behalf of Rev. Mr. Richard Greene, who has been disappointed in his hopes of being admitted into the Society.—See* History, I. § 4, pp. 157, 158, *and facsimile, opposite.*

Good Father, if upon so small acquaintance as hath yet passed betweene us under hope of farther freindshippe I am boulde before to trie your

sweetenesse then I could have deserved it, the great good fame of your courtesie which possesseth the worlde like the precious breath of an odoriferous incense shall pleade for pardon, since it was the only occasion and warrante for my rashnesse, not without a certayne experientiall knowledge of the good and prosperous issue of those matters which have ben broughte to perfection by your endevours. Heare is a freinde of mine Mr. Richarde Greene, a man of virtuous life and discreete demeanure, which of longe time hath had a true and constant desyre to be of your blessed Societie and by occasion, accordinge to the providence of the Superiours thereof, hath ben differred untill this time to his great greife; eyghte or nine [*years?*] agoe with sufficient diliberation and counsell of his Ghostely Father, thorough absolute true devotion to a spirituall life and sincere affection towards this order, he made a vowe to take this course of life upon him, when those which are nowe to enter and others which weare receyved some yeares agoe had scarse the feeling of any such desyre in themselves; after this whilest he lived in Doway his behaviour was laudable and good, and in particular in those mutinous times of faction, when the unquiet came to Doway and laboured in the mindes of the Schollers an aversion from the reformed govermente of the Romaine Colledge, he behaved himselfe so that there perswasion coulde take no place, theyre calumniations breede noe effecte, and did no little good in this matter; afterwarde beinge sent in mission to the Collegde of Sivill wheare I came firste acquainted with him he gave great satisfaction to our Superiours and virtuous example to his Fellowes, and beinge constreined upon sicknes to goe to England he was receyved upon condicion that his infirmitie woulde not permitte him to live untill he came unto F. Walley, of whom he was very kindely enterteyned and provided for verie charitably in a manner as one of the Societie, with a promise that the yeare followinge he shoulde be receyved without faile and had ben so, if the hope of this noviciate had not assigned him for the first subjecte and fundamentall stone of this house, and of this he receyved promises at F. Walleyes handes twise or thrise before any others weare thought upon or mentioned, which Richarde Fulwood knoweth well; his labours in that vineyarde weare fruitefull, full of good virtue and prosperous – – [a] accomplishinge perfection; he was desyred of the best and most principall persons whome he filled with love and affection towardes the Societye and was guided altogether accordinge to their carde and referred his endevours to theyre cred – – [a] and was cause that as some in Spaigne had entred into the Societie by his means so that others in Englande bare greatte goodwill unto it and hel – – [a] it in a highe conceyte and estimation, and I know that he hath such part – – [a] entrance to personages of great qualitie and noble bloude whome I coulde name that it woulde redounde much to the creditte of the Societie to be accounted instruments of theyre conversion; but as his deservinges are greate so

(a) *Paper frayed here at the edge.*

hath his crosses ben manye, and none so greate as this which troubleth him most. About the time of this last commotion he was taken and imprisoned, where upon beinge not able to follow his matters himselfe and deprived from the comforte of such deare freindes which might with safety be imployed in a matter of such consequence was constreyned to committe his affayres to the kind remembrance and carefull providence of F. Antonye, whoe havinge noe certaintye of his banishmente made with Father Holbey an absolute mission for other twoe, and upon the banishmente by some particular instances named F. Garnette and F. Blundell for the other twoe; and indeede F. Holbey toulde me that the course of thinges weare somethinge troubled, few or none of F. Walleyes wrightinges or determinations weare founde, Richarde Fulwood gone which shoulde have given particular testimonye how farre this matter proceeded, and therfore no merveyle if the disposition of persons for this place hath ben somewhat inverted. I beseech therfore your R^ce^ to speake to Father Parsons about this suite, and know that my gratefullnes shall not disvalue your courtesie but my poverty shall lye engaged to serve you with all the offices and duetyes of a Freynde. The man I speake for is one whome you sent first over to the Colledges, and in this I beseech you to imitate almighty Godd which followes the steppes of his Christe in other virtues; Dei perfecta sunt opera so lett yours; you began his goode, I beseech you bringe it to perfection. F. Baldwin seeth nothinge to com from Spaigne, and therefore is loath to empawne himself for more then he muste needes; I desyre that if he cannot possibly be receyved now he may eyther be sent to the novitiates of other countries with the licence of the Generall or else may have a promise to be nexte that is receyved at Lovaine ffarewell. This Simon and Judes Eave—1606.

Y^rs^ in duety and Reverence,

ANDREW WHITE.

Addressed: To his especiall good Freinde Mr. Garret
give these att Rome.

Endorsed (by Gerard?): Andrew White, 1606.

Stonyhurst College MSS., Anglia A, iii. f. 139, No. 70; *autograph.*—*Published in H. Foley's* Records of the English Province S.J., iii. 268, 269.—*Endorsement of Father Christopher Grene* [?], *on margin of first page:* Conservanda ob memoriam viri, 27 Octob. 1606: "*To be preserved in memory of the man, 27 Octob., 1606.*"

No. 3. **1631, August 8.**

George, Lord Baltimore, Lincolnes Inne, London, to Lord Petre. *The interview had by Viscount Somerset and himself with the French Ambassador (De Fontenai), on the subject of a certain French pamphlet, which misrepresented Baltimore and his friends*

in the matter of the controversy about the Bishop of Chalcedon.—*See* History, I. § 12, pp. 209–211.

My Lord

I would have been glad to have waited on you myself, and taken some part of your country pleasures this latter end of summer, that I might withall have given you an account of what passed in conference, betwixt the French Embassadour, my Lord Viscount Somerset, and myself, concerning that litle French pamphlet the *Generall desaveu*. But because my other businesses necessarily detayne me here, from whence I cannot conveniently stirre for a while, I have thought fit, rather then to keepe your Lordshipp longer from the knowledge of it, to let you understand it by letter, with as much exactnesse as I can, though the lenght be somewhat to your trouble. And herein I am sure my Lord Viscount Somerset would have joyned with me, but that he left this town within two dayes after we had been with the Embassadour, and when he returnes hither agayn, I doe not perfectly know. Your Lordshipp shall therefore understand that my Lord Somerset, and I, hearing that the Embassadour was gone from London to his villa at Twittnam, we went thither to waite on him uppon Saterday last was fortnight, being the xxiiith of the last moneth, where he receaved us with much courtesy, and humanity. After we had rested a while, and the usuall ceremonyes of complements past, we tould him, that we were come to acquaint his Excellency with a matter, wherewith not only our selves then present but many other Catholickes of this kingdome, as well noblemen, as principall gentlemen and others (divers of them being then, or very lately in London, and at whose entreaty we came to wait uppon him) were very much scandalized, and offended. That some there were, who to eagerly, and passionately pursuing theyr own ends of advancing the Lord Bishop of Chalcedons pretended authority, as ordinary of England, had caused to be printed a certayn pamphlet or manifest in French, entitled, *General desadveu des Catholiques lais d'Angleterre contre une declaration qui à este faussement publiée a leur nom;* which disavow not only endeavours to discredit a former Declaration set forth against the said pretended jurisdiction of ordinary, but besides cast many unworthy aspersions uppon such Catholiques as have oppugned the said jurisdiction; and that to authorize this Disavow abroad in the world, we told him they had published it with a subscription, in the nature of an Attestation under his Excellencyes hand, and seale, purporting that he had seene the same, and acknowledging that it had been presented unto him, *au nom de la plus grande et meilleure partye des Catholiques d'Angleterre*. This, we told him, seemed so exceeding strang to many that had seene it, as they could not possibly beleeve that a person of so much honour and candour, as his Excellency was conceived to be, could be drawn to lend his hand or his credit to such a paper. First, for that the very title of *General Desadveu* (which must necessarily be understood

to comprehend all Catholiques) can with no colour be justified, synce so many Catholiques of prime quality had formerly eyther beene with his Excellency or otherwise made known unto him theyr sense and opinion clearely against the said pretended authority of ordinary, whercin we appealed to his own remembrance. Next, that the wordes of restriction, which follow afterwards in the Attestation, of *la plus grande et meilleure partye*, are as far from truth, which way soever the wordes be taken, whether for number or quality, as will most easely be made manifest; and certain it ys (as his Excellency himself could not but know) that divers of those Catholique Lords, who appeared unto him to oppose the said pretended authority, were of the most eminent ranke of nobility in this kingdome. Besides the paper it self ys very contumelious, imputing odious thinges to the dissenting party, without all manner of proofe, or coulour of reason: which we hoped his Excellency would not beleeve, much lesse patronize with his name.

To this effect was that which my Lord Somerset and I said unto him at that tyme, though not all in one continued seryes of narration, because now and then the Embassador himself brooke it of, by taking hold of particulers, and making answeare unto them as they occurred; which answeare uppon the whole matter was this. He told us that he was very sorry for the differences that were amongst us; acknowledged that there had beene with him divers noblemen and gentlemen of both opinions, that he was not carryed with affection to the prejudice of eyther part, but rather was willing to doe service to them both in any thing within his power. As for that paper of Disavowe which we mentioned, he denied to have seene any such thing. He said it was true he had made an Attestation at the request of those who favoured the Bishops clayme of ordinary, but that it was only a naked and simple intimation, that divers persons of quality had been with him, declaring theyr opinions on the behalf of the said authority (which he said was true) without any relation at all to paper or pamphlet. Whereuppon I having the printed coppy about me shewed it him, desiring him then to peruse it, which he did accordingly; and casting his eye first uppon the title, he reflected uppon the wordes, *Generall desadveu*, and afterwards uppon divers pointes of scandall in the body of the paper, which he professed utterly to mislike. And as he sayd before, so he then confirmed it agayn, that he had never seene any such paper as this *Desadveu* which we presented unto him. From thence proceeding to the Attestation, when he came to the wordes, *Certifions que le Desadveu cy dessus transcript nous a este presente*, and to the wordes following, *au nom de la plus grande et meilleure partie des Catholiques d'Angleterre*, he shaked his head, giving them both a fillip with his finger uppon the paper, and in expresse termes said, that those wordes were none of his. In fine, he tould us that he had not his papers there about him; they were at London, where he would be within two or three dayes; and yf in the meane tyme we would have patience untill

he might looke over his papers, he would then let us understand more particularly, what he had attested, desiring to have that printed French coppy left with him; which we excused, because we had no other, but promised him a written coppy of it, which I sent him within a few dayes. Some 9. or 10 dayes after we had beene with him in the country, hearing that he was come to town, I went to him to his house in Salisbury court, and desired his Excellency to be pleased then, according to his promise, to let us know in particular what it was that he had certified at the intreaty of those Catholiques, who favoured the Bishops pretensions; but he alleadged divers excuses, why he was not ready yet to performe it. To which I did not much reply at that tyme, but finding him busy and with company, I tooke my leave. I sent unto him afterwards a second tyme with the like request, but could obtayn nothing. I wonder at the stopp; but what the reason of it ys, I know not. As I heare more your Lordshipp shall understand; and in the meane tyme, because this relation which I give you hath a reference in many places to the French paper, of which I suppose you have not a coppy, I have sent you one enclosed, that you may understand the proceeding more clearely. And by this tyme I may perhaps have tyred your Lordshipp with a long discourse, though yf I should measure your disposition by myne own, I have not in that respect for which to aske your Lordshipp pardon; because particulars are to me alwayes gratefull, and generalls unsatisfactory. And soe God have your Lordshipp in his holy keeping. From my lodging neere to Lincolnes Inne. 8 August, 1631.

Your Lordshipps very affectionatly
to serve you
GEORGE BALTIMORE.

Endorsed: To the right Hon^ble^ my very good Lord
the Lord Petre.

General Archives S.J., Anglia, Historia, iv. pp. 289, 290; *a contemporary copy, transcribing also the endorsement as above. No accents on the French words except those reproduced.*

No. 4. (1633.)

"Objections answered touching Mariland." *Under five heads, the writer on behalf of Baltimore answers the objections raised against the new colony, on pleas religious, political, and economical; and indirectly gives a view of the politico-religious policy put forward at that date by Caecilius, second Lord Baltimore.—See* History, I. § 22, pp. 257–259.

OBJECT. 1. It may be objected that the Lawes against the Roman Catholikes were made in order to their conformity to the Protestant

Religion, for the good of their soules, and by that meanes to free this Kingdome of Popery, rather than of their persons, but such a licence for them to depart this Kingdome, and to go into Mariland, or any country where they may have free liberty of their Religion, would take away all hopes of their conformity to the Church of England.

Lex contra Catholicos lata spectat bonum animae, non fines politicos. [The law against Catholics regards the good of their souls, not political objects.]

Answer. It is evident that reason of State (for the safety of the King and Kingdome) more than of Religion was the cause and end of those Lawes, for there are no such against divers other professions of Religion in England, although they be as different from the doctrine of the Protestant Church, established by Law in this Kingdome, as that of the Roman Catholiques is. And this reason of State appeares also in the nature of most of those Lawes, for they expresse great doubts and jealousies of the said Roman Catholiques affection to, and dependence on a forraigne power, and tend therefore, most of them, to disinable them (by confining, disarming, etc.) from plotting or doing any mischiefe to the King or State, and to secure their allegiance to the King by oathes etc., and the penalties of divers of them are abjuration of the Realme, which puts them out of the way of conformity to the Church of England. Moreover conversion in matter of Religion, if it bee forced, should give little satisfaction to a wise State of the fidelity of such convertites, for those who for worldly respects will breake their faith with God doubtlesse will doe it, upon a fit occasion, much sooner with men ; and for voluntary conversions such Lawes could be of no use. Wherefore certainely the safety of King and Kingdome was the sole ayme and end of them.

Fines politici Legis. [Political objects of the law.]

Object. 2. Such a licence will seem to be a kind of tolleration of (at least a connivence at) Popery which some may find a scruple of Conscience to allow of in any part of the Kings Dominions, because they esteem it a kinde of idolatry, and may therefore conceive that it would scandalize their brethren and the common people here.

Ejusmodi licentia censebitur toleratio Religionis Papisticae. [A licence of that kind will be considered a toleration of the Popish religion.]

Answer. Such scrupulous persons may as well have a scruple to let the Roman Catholiques live here, although it be under persecution, as to give way to such a licence, because banishment from a pleasant, plentifull and ones owne native country, into a wildernesse among salvages and wild beasts, although it proceed (in a manner) from ones own election, yet, in this case, where it is provoked by other wayes of persecution, is but an exchange rather then a freedome of punishment, and perhaps in some mens opinions from one persecution to a worse. For divers malefactors in this Kingdome have chosen rather to be hanged, then to go into Virginia, when upon that

Non toleratio, sed poena. [Not a toleration, but a punishment.]

condition they have bin offered their lives, even at the place of execution, and they may with more ground have a scruple of conscience to let any of the said Roman Catholiques to goe from hence unto France (which few or none certainely can have in contemplation of Religion only, and this Parliament hath given passes to divers of them for that purpose), that being more properly the Kings Dominions then is all that great part of North America (wherein Mariland is included), unto which the Crown of England layes claime upon the title of discovery only, except such part thereof as is actually seated and possessed by some of his subjects; and therefore, in the Preamble of the Lord Baltemores Patent of Mariland, the enlargement of the Kings Dominions is recited as a motive of the grant, which inferres that it could not so properly be esteemed his Dominions before, as when by virtue of such a grant it should be planted by some of his subjects. And if it be all the Kings Dominions notwithstanding then why have not such scrupulous persons a scruple to suffer the Indians (who are undoubted idolators), as they doe, to live there, which if they cannot conveniently prevent, (as without question they cannot, unlesse it be by granting such a licence), they may as well suffer those whom they may esteem idolators, as those whom they and all other Christians whatsoever repute and know to be so, to inhabit and possesse that Country. Moreover they may also (as wel as in this) have a scruple to treat or make or continue a league, or to trade with any forraigners of that Religion, because in their oppinions they are idolators, or to permit the publique Ministers of any such forraigne Prince or State to have the free exercise of their Religion while they are in England, and may feare giving scandall to others by such tollerations or connivences: all which nevertheless we see done, even in these times, and allowed of, aswell by the Parliament as the King, upon reason of State, for the good and safety of this Realme. So may this licence be also thought by such persons a good expedient for the same purpose. And if any (of the weaker sort) should be scandalized at it, the scandal would be acceptum not datum, and therefore not to be regarded by a wise and judicious Prince or State.

Tolerantur in Marilandia Indi Idololatrae. [The Indians, idolaters, are tolerated in Maryland.]

Tolerantur Legati Catholici cum exercitio suae Religionis. [Catholic ambassadors are tolerated, with the exercise of their religion.]

Amittet Rex multas pecuniarias a Catholicis solvendas. [The King will lose the money fines to be paid by Catholics.]

OBJECT. 3. By it the Kings revenue will be impaired in loosing the benefit which the said Lawes give him, out of Recusants estates, while they continue in England of that profession of Religion.

Finis dictae Legis non est lucrum Regis. [The object of the said law is not the King's profit.]

ANSWER. The end of those Lawes was not the Kings profit, but (as is said before) the freeing of this Kingdome of Recusants which deprives the King of any benefit by them, so as his Majesty will have no wrong don him by such a

licence, because he will loose nothing by it of what was intended him by the said Lawes; this is no ancient revenue of the Crowne, for it had inception but in Queene Elizabeths time, and conformity or alienation to a Protestant deprives the King of this revenue. If there were no crimes at all committed in England, the King would loose many fines and confiscations, whereby his revenue would also be impaired (which in the other as well as in this branch of it is but casuall), and yet without question the King and State would both desire it. The same reason holds in this, considering what opinion is had here of the Recusants, wherefore it cannot with good manners be doubted that his Majestie will in this businesse preferre his owne benefit, before that which the State shall conceive to be convenient for his safety, and the publique good.

OBJECT. 4. It would much prejudice this Kingdome by drawing considerable number of people, and transporting of a great deale of wealth, from hence.

Tanti populi et opum avectio debilitabit Rempublicam. [The withdrawal of so many persons, and so much wealth, will weaken the State.]

ANSWER. The number of all the Recusants in England is not so great, as the departure of them all from hence would make any sensible diminution of people in it, and their profession in Religion would make them the lesse missed here. If the number were great, then consequently (according to the maximes of this State) they were the more dangerous, and there would be the more reason by this meanes to lessen it. And if it bee but small (as indeed it is) then their absence from hence would little prejudice the Kingdome in the decrease of people, nor will such a licence occasion the transportation of much wealth out of England, for they shal not need to carry any considerable summes of money with them, nor is it desired that they should have leave to do so, but only usefull things for a Plantation, as provisions for cloathing and building and planting tooles etc. which will advantage this Kingdome by increase of trade and vent of its Native Commodities, and transferre the rest of their Estates by Bills of Exchange into Bankes beyond Sea, which tends also to the advantage of the trade of England, for more stock by this meanes will be imployed in it.

Catholici prae reliqua turba pauci; et, si plures essent, ideo dimittendi. [Catholics, compared with the rest of the population, are few: if they were more, that would be a reason to let them go.]

OBJECT. 5. It may prove dangerous to Virginea and New England, where many English Protestants are planted, Maryland being scituated betweene them both, because it may be suspected that the said Roman Catholiques will bring in the Spaniards or some other forraigne enemy to suppresse the Protestants in those parts, or perhaps grow strong enongh to doe it of themselves, or that in time (having the Government of that Province of Mariland in their hands) they may and will shake off any dependance on the Crowne of England.

Virginea et Nova Anglia erunt in periculo, vicinitate Catholicorum in Marilandia. [Virginia and New England will be in danger, owing to the presence of Catholics in Maryland.]

ANSWER. The English Colonies in New England are at least 500 miles, and that of Virginea 100 miles distant from Mariland, and it will be a long time before planters can be at leisure to think of any such designe, and there is little cause to doubt, that any people as long as they may live peaceably under their owne Government, without oppression either in spiritualls or temporalls, will desire to bring in any forraigners to domineere over them, which misery they would undoubtedly fall into, if any considerable forraigne Prince or State (who are only in this case to be feared) had the possession of the English Collonies in Virginea or New England. But the number of English Protestants already in Virginea and New England, together with the poverty of those parts, makes it very improbable that any forraigne Prince or State will bee tempted to undergoe the charge and hazard of such a remote designe, it being well knowne that the Spanish Colonies in the West Indies are farther distant then Europe is from thence. If any danger were to be suspected in that way from the said Recusants, the like suspition of bringing in a forraigne Enemy into England may (as indeed it hath often beene) be had of them, while they are here, for the difference of scituation may balance the difference of the power, betweene this Kingdome and those parts, for the accomplishing of such a designe, and certainely (of the two) it were much better to throw that hazard (if it were any) upon Virginea and New England, then to have it continue here. Much lesse cause is there to feare that they should grow strong enough of themselves to suppresse the Protestants in those parts; for there are already at least three times as many Protestants there, as there are Roman Catholiques in all England. And the Protestants in Virginea and New England are like to increase much faster by new supplyes of people yearely from England, etc., then are the Roman Catholiques in Mariland. Moreover although they should (which God forbid and which the English Protestants in those parts will in all probability be still able to prevent) shake off any dependance on the Crowne of England, yet first England would by this meanes be freed of so many suspected persons now in it; secondly, it would loose little by it; and lastly, even in that case, it were notwithstanding more for the honour of the English Nation, that English men, although Roman Catholiques, and although not dependant on the Crowne of England, should possesse that country then forraigners, who otherwise are like to do it: for the Swedes and Dutch have two severall Plantations already in New England, and upon the confines of Mariland (betweene the English Colonies in New England and Mariland), and doe incroach every day more and more upon that Continent, where there is much more land then all the Kings Protestant subjects in all his Dominions (were they there) would be able to possesse. But the assurance of protection from the Crowne and State of England, upon all just occasions, either of danger

Improb[ab]ilitas dicti periculi ex multiplici capite. [Improbability of the said danger, on many accounts.]

from a forraigne Enemy, or of wrongs which may be done unto them by his Majesties Protestant subjects in those parts, and the benefit of trade with England for yearely supplies, without which they will not be able to subsist, will be strong tyes, if there were no other, to binde them to continue their dependance on it.

Moreover the mouth of the Bay of Cheseapeacke being but narrow, and at which all ships that come to Mariland must enter, is within the precincts and power of the Colony of Virginea. And the Planters of Virginia will by the accesse of so many neighbours be much advantaged, because their cattle and many other commodities which they abound in and have no vent for, and which this new Colony will stand in need of, will by this meanes yeeld them good rates, which now are of little value to them, wherefore certainly they will feare no prejudice but will be glad of such a market for improvement of their estates; though perhaps some petty Merchants heere, traders to Virginea, may conceive it prejudicial to them, and therefore may make Religion, and other vaine pretences of danger to Virginea, or this State, the cloake of their avarice, to hinder this designe; whereas in truth it can be nothing else, but feare of the increase of the commodities they deale in and consequently of an abatement of the prices, that may incline them to oppose it.

FINIS.

Stonyhurst College MSS., Anglia A, iv. ff. 206-209, No. 108E; *a printed pamphlet, small 4to, pp. numbered 9–16; with Latin marginal notes in a contemporary hand. The text published in the Maryland Historical Society Fund Publication*, No. 18 (*B. T. Johnson*, The Foundation of Maryland), pp. 24–30.

§ 2. Administrative: Letters of the Generals, 1629–1744.

Nos. 5, 6, 7. **1629–1744.**

The Generals' Letters, addressed from Rome to the English Provincial or other Fathers, in relation to English or American affairs: extracts referring to America, taken from the three tomes *Anglia, Epistolae Generalium,* 1605–1769. *A collection* (No. 5, A–T; No. 6, A–K[4]; No. 7, A–V[3]). *For description, see* History, I. Introduction, Chap. I. § 3 (7), *General Archives S.J.,* (*a*) *Anglia, Epistolae Generalium. For a facsimile specimen, see next page.*

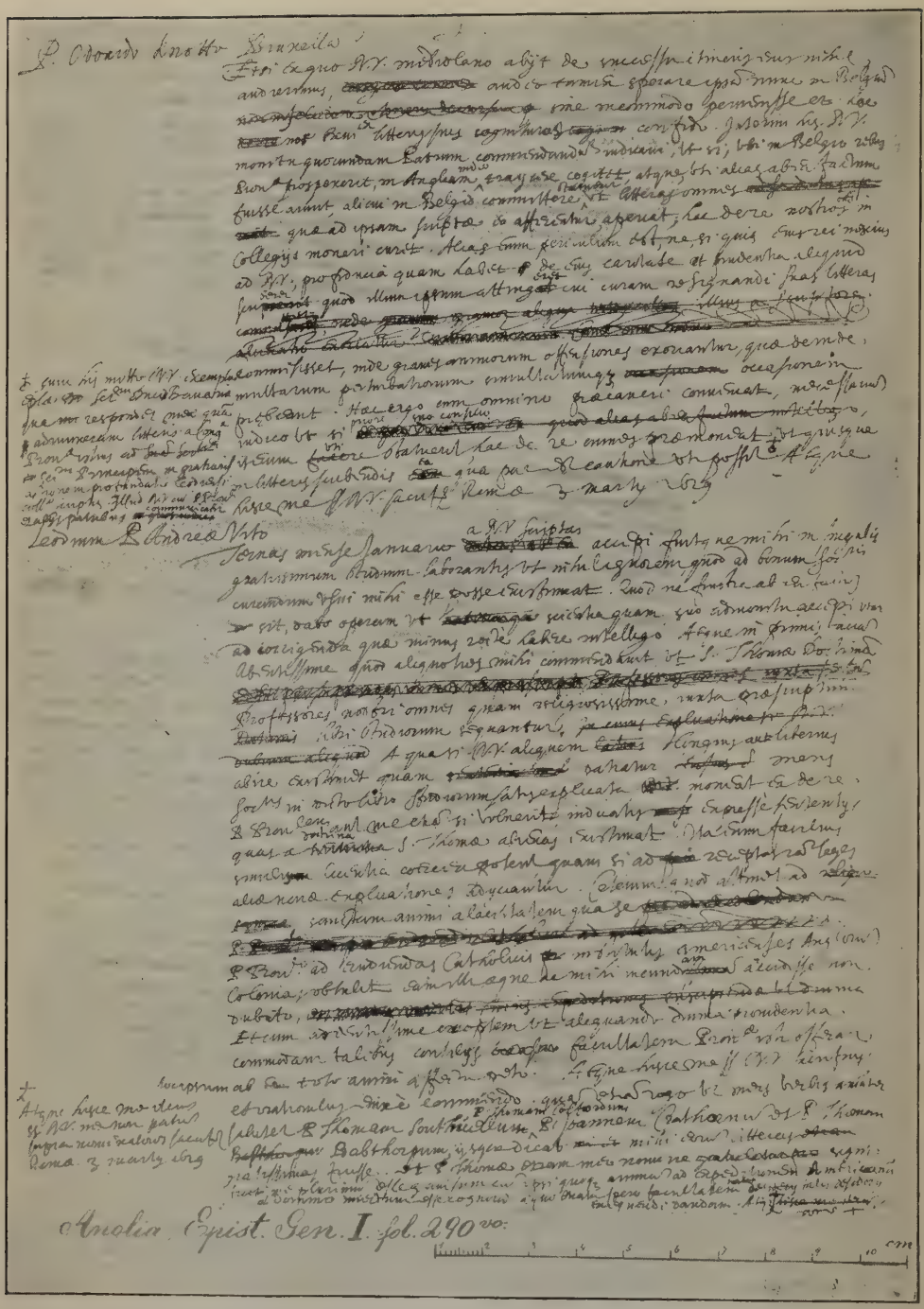
Passages relating only to individuals, who worked in America at some time or other, are not necessarily reproduced here. Such information regarding persons extends, in the Register of Letters, from 1617, February 18 (Andrew White), to 1769, March 22 (Bernard Cross).

When only an extract from a letter or draft is given, it is to be understood that the parts omitted have no relation with the extract copied; the various heads in an official letter being oftentimes totally disconnected. A sample of this is exhibited in the first extract, No. 5, B.

The letters follow almost strictly in order according to their dates. The three Nos., 5, 6, 7, *are used here for the respective tomes. The date alone, with the name of the addressee, suffices for a complete quotation.*

No. 5, A. **1629, March 3.**

The General, Mutius Vitelleschi, to Andrew White, Professor and Prefect of Higher Studies at Liège. *Acknowledging the receipt of three letters from him, dated January last: on the studies at Liège, and the degree of adherence due from professors of the Society to the doctrine of St. Thomas Aquinas. Appreciation of Father White's zeal in the matter. Commendation of the same*



The General, M. VITELLESCHI, Rome, 3 March, 1629, to Father A. WHITE, Liège. General Archives S.J., *Anglia, Epist. Gen.*, i. f. 290v. Autograph draft. First mention of English America. (⅔ *scale of the original.*)

[*To face p.* 17.

Father's desire for work in the American Missions of the English. Acknowledgments through White to four other Fathers at Liège for their official letters; and felicitation in particular to "Father Thomas," one of them, on the subject of his desire for the same American Mission.—See History, I. § 6, pp. 173, 174, *and facsimile of this draft, opposite.*

Leodium, P. Andreae Vito.

Ternas mense januario a R. V. scriptas accepi, fuitque mihi in singulis gratissimum studium laborantis ut nihil ignorem, quod ad bonum Societatis curandum usui mihi esse posse existimat. Quod ne frustra ab ea factum sit, dabo operam ut scientia, quam suo admonitu accepi, utar ad corrigenda quae minus recte habere intelligo. Atque in primis faciam libentissime quod aliquoties mihi commendavit, ut S. Thomae doctrinam professores nostri omnes quam religiosissime juxta praescriptum libri studiorum sequantur. A qua si R. V. aliquem longius aut liberius abire existimet quam patiatur mens Societatis in dicto libro studiorum satis explicata, moneat ea de re P. Provincialem aut me etiam, si voluerit, indicatis expresse sententiis quas a doctrina S. Thomae alienas existimat. Ita enim facilius similis licentia coerceri poterit, quam si ad receptas jam leges aliae novae explicationes adjiciantur. Caeterum quod attinet ad sanctam animi alacritatem, qua se P. Provinciali ad erudiendas catholicis institutis Americenses Anglorum colonias obtulit, eam illi aeque ac mihi jucundam accidisse non dubito. Et, cum ardentissime exoptem ut aliquando divina providentia commodam talibus consiliis facultatem Provinciae isti offerat, hoc ipsum ab ea toto animi affectu peto. Atque hisce me SS. R. V. Sacrificiis et orationibus enixe commendo; quam etiam rogo ut meis verbis amanter salutet P. Thomam Southuellum, P. Thomam Colfordum,[a] P. Joannem Crathornum et P. Thomam Babthorpum, iisque dicat, mihi eorum litteras gratissimas fuisse; et P. Thomae etiam meo nomine significet, me plurimum esse gavisum, cum ipsi quoque animum ad expeditionem Americanam a Domino injectum esse cognovi; a quo etiam spero facultatem talis desiderii exequendi dandam. Atque hisce me iterum SS. R. V. necnon patrum supra nominatorum Sacrificiis – – – Romae, 3 martii 1629.

No. 5,B. **1629, June 2.**

The General Vitelleschi to Robert Stafford, Rector of the scholasticate at Liège. *Father Andrew White being removed from the post of professor, and being now in England, his views on theology will probably have no further effect in the College. At all events, it will not be difficult to find a remedy if any one there do prove contentious on the subject.—See* History, I. § 6, pp. 175, 176.

(a) *This name,* P. Thomam Colfordum, *inserted above the line.*

Leodium, P. Roberto Staffordo R[*ectori*] C[*ollegii*].

¶ *On Father Thompson and the claim of the English Nuns against the College.* ¶ *On the Bavarian pension.* ¶ A doctrina illa P. Andreae Viti, cum ille jam a munere docendi amotus sit et in Angliam migrarit, nihil magnopere amplius timendum opinor. Si quid aliud aliquando animadversum fuerit, aut si istic quispiam contentiosius quam conveniat sententiis illius adhaerere coeperit, facile spero erit remedium adhibere. Interim gratum mihi est R. V. incommoda, quae ex illa doctrina sequi possent, videre et sollicitum esse ut ea mature avertantur. ¶ *On Father Knott's imprisonment and brighter hopes.* ¶ *On the controversy between the College and the novitiate at Watten.* Romae, 2 junii, 1629.

No. 5, C. **1633, June 4.**

The General Vitelleschi to Richard Blount, Provincial. *Why he has not answered the Provincial, and allowed the mission to America: because he has received no answer to his query of a year or two before, about the danger of offending some Catholic Power. If the matter is very urgent, he commits it to the Provincial and his councillors.*—*See* History, I. § 18, pp. 246, 247.

P. Richardo Blondo Provinciali.

Intelligo R. V. jam pridem magno desiderio exspectare a me facultatem mittendi aliquot e nostris cum nobilibus seu mercatoribus Anglis, qui novas sedes in Indiis occidentis extra ditiones a Rege Catholico occupatas quaerere meditantur. Ad quod ne miretur a me hucusque nihil esse responsum, sciat me non nisi ante unum alterumve annum de eo consilio aliquid a R. V. accepisse ; cui tum respondebam, negotium illud esse gravioris deliberationis, ob periculum offendendi eos qui fortasse contendent hac ratione contra jus sibi a Sede Apostolica concessum aliquid fieri ; ideoque pleniorem de re tota informationem petebam. Illam si R. V. postea miserit, ideoque miretur me nihil respondisse, causa silentii mei est, quod petitam informationem, neque aliam ullam epistolam ad illam deliberationem pertinentem hucusque acceperim. Quare etsi merito iterum deliberationem de illo negotio rejicere possem, donec nos plenius informet, tamen, quia intelligo R. V. magnopere urgere ut cito responsum aliquod certum hinc habeat, permitto R. V. arbitrio, si res ita urgeat ut expectare non possit dum nos uberius de toto consilio illius navigationis certiores reddiderit et aliud hinc receperit, ut, si auditis aliquot ex praecipuis patribus judicarit, nullo modo occasionem illam divinae gloriae amplificandae negligendam, ex eaque (quod ego sperare vix possum) nullam justam cujusvis principis catholici offensionem timendam, aliquos e nostris cum dictis nobilibus proficisci in regiones quas illi sibi destinarunt patiatur. Multo tamen

De Indica expeditione.

magis opto ut, si quo modo fieri possit, res differatur dum iterum me consuluerit et responsum hinc acceperit. Atque hisce me SS. R. V. Romae [26 *maij—deleted*], 1633, 4 junii.

No. 5, D. **1633, August 20.**

The General Vitelleschi to Richard Blount, Provincial. *Has answered on June 4 the Provincial's letter about the American expedition. Does not object to the selection of Father Andrew White. Qualifications required in a foreign missionary, and in the founders of a foreign mission.—See* History, I. § 18, pp. 247, 248.

P. Richardo Blondo Provinciali.

Iis, quas R. V. 31 maii scripsit, insinuabat se mirari quod responsum nullum hinc acciperet de nostris in Virginiam mittendis. Cujus rei cum R. V. causam indicaverim 4 junii, et simul etiam quid de illa expeditione nobis videretur significaverim, spero jam expectationi suae esse satisfactum meque etiam brevi pleniorem de consilio eorum qui in Virginiam navigationem parant informationem accepturum. Si R. V. P. Andream Vitum illi missioni bene idoneum judicet, ipseque eam tantopere desideret, non habeo cur eum illuc mitti nolim. Hoc tamen non possum quin R. V. enixe commendem, ut in delectu eorum, quos in novam illam expeditionem mittere cogitat, non solum propensionis ac desiderii eorum magnam habeat rationem, cum ab invitis aut minus ad tam longinquam profectionem propendentibus nihil magnopere boni expectari possit, verum etiam virtutem, prudentiam et zelum eorumdem, et maxime illorum qui prima missionis illius principia sunt posituri, diligentissime expendat; ut ii tales sint quorum vestigia et exempla reliqui deinceps pro norma et regula sequi possint. ¶¶ . . . 20 augusti 1633.

No. 5, E. **1633, December.**

The General Vitelleschi's formal assent to the proposal of an American Mission. *He accords the use of the faculties for India.—See* History, I. § 25, pp. 266, 267.

Responsum

ad postulatum P. Provincialis Angliae Richardi Blondi commissum P. Joanni Wortingtono Procuratori Angliae.

Exhibeat admodum Rev^do^ Patri Nostro Declarationem Coloniae quam Ill^mus^ Dominus Baro Baltamor ducit in Marilandiam, inter Virginiam et Floridam, jussu Henrici 7. et aliorum deinde eo navigantium ex Anglia primo inventam. Quam si approbet S[*ua*] P[*aternitas*], necesse erit facultates speciales impetrare, nisi forte credat S. P., quas pro Anglia

concessas habemus eo etiam loci valituras, non solum pro Anglis, de quibus minor est dubitatio, sed etiam pro indigenis ethnicis illius regionis cum convertentur.

℟. Exhibuit nobis declarationem expeditionis supradictae P. Joannes Wortingtonus ; a qua cum speremus magnum divinae gloriae incrementum et plurimarum animarum salutem, non possumus eam non vehementer probare, et precari ut tam pia patrum studia, operam suam tanta alacritate [*incultis illis regionibus—deleted*] ad lumen fidei populis illis sedentibus in tenebris et umbra mortis inferendum offerentibus [*offerentium ?*], divina providentia secundare dignetur. Atque, ut ad tam egregium opus necessariis facultatibus instructi sint, uti poterunt iis quae pro Indiis jam pridem Societati a Sede Apostolica sunt concessae ; cum eae etiam ad illas regiones extendantur – – –. Romae – – – decembris 1633.[b]

Letters which now follow are not in the hand of Father Mutius Vitelleschi, though corrected by him, like his own drafts.

No. 5, F. **1634, June 17.**

The General Vitelleschi to Richard Blount, Provincial. *On the desire of John Knowles for the foreign missions. Some qualifications necessary for the East Indies. He might be sent to the West Indies, Virginia.—See* History, I. § 44, pp. 367, 368.

P. Richardo Blondo Provinciali.

¶¶ . . . Zelus ille et accensum desiderium Joannis Knollii, quo suo etiam sanguine Japonicum agrum irrigare postulat, valde me recreat. De cujus tam laudabili proposito dum cogitarem, id inter caetera occurrit, an non in insulam Virginiam, si tamen de illa expeditione adhuc vel cogitatur vel continuatur, mitti possit. Vel certe, cum in orientalem Indiam euntibus mathematica scientia utilis valde ac prope necessaria sit, et tales etiam a me valde expetantur, scire velim an, et quantum rerum mathematicarum cognitionem et peritiam habeat ; quod si intellexero, clarius quid de tam insigni ejus voluntate sentiam aperiam. Interim R. V. illi velim meis verbis ostendat me totis visceribus tam pium ejus animum amplecti, cupereque hunc ignem a Sancto Spiritu in ipso accensum divinae gratiae oleo foveri et magis magisque semper inflammari. Iisdem donis quoque R^m^ V^m^ repleri cupio meque ejus SS. Sacrificiis, &c. Romae, 17 junii 1634.

(b) *Entered in the Register after December 10.*

No. 5, G. **1636, September 6.**

The General Vitelleschi to Philip Fisher (*Thomas Copley, London*). *Congratulations on his mission to America, and on the joy he experiences.—Cf.* History, I. § 44, p. 368.

P. Philippo Fischero.

Gaudeo et ego, mi Pater, quia R^m. V^m. gaudentem ire video et laetabundam, videoque de longe quam speciosi sint pedes evangelizantium; quibuscum eat sane R^a. V^a. ad fines terrae faciatque ut laetetur terra sterilis et deserta. Habebit non dubito incommoda multa et labores maximos; sed in his omnibus superabit propter eum qui dilexit nos, et quemadmodum spero deliciis illis affluet, quibus tam copiose olim et plus quam satis est pastus fuit, quem R^a. V^a. imitari cupit, apostolus Xaverius. Bibat itaque nectar illud suavissimum divinae voluptatis, et labores omnes molestiasque coelestis mellis dulcedine condiat. Et hoc ut R^a. V^a. juxta meum votum suumque desiderium consequatur, et ut in benedictione metat, gratiam illi coelestem benedictionemque uberrimam pro expeditione tam difficili a Patre luminum precor; et, ut mei quoque in SS. suis Sacrificiis et orationibus assidue memor esse velit, etiam atque etiam rogo. Romae, 6 septembris 1636.

No. 5, H. **1637, March 7.**

The General Vitelleschi to Philip Fisher, London. *Approves of the steps taken in the face of obstacles; promises assistance; and gives encouragement.—See* History, I. § 44, pp. 369, 370.

Londinum, P. Philippo Fischero.[1]

Quod in tali casu facto opus est, id a R^a. V^a. fieri video et gaudeo, ut tametsi graves difficultates, machinante eas inferno, profectioni suae sese objiciant, non tamen ideo cadat animo, sed in eo, qui ipsum confortat, omnia pericula contemnat. Ea in re ego R^m. V^m. non deseram, et opem quam a me petit libentissime feram; et cum potentius auxilium esse non possit contra quoscunque hostes sanctissimo Sacrificio, non parce illa ex thesauro mihi a Societate concredito offeram, ea prorsus spe, ut haec missio successum et R^a. V^a. felicem navigationem sit habitura. Quod ego dum facio, R^ae. V^ae. largissimam a Deo benedictionem et gratiam precor, meque SS. ejus Sacrificiis et orationibus impense commendo. Romae, 7 martii 1637.

Letters which follow now for many years to come are apparently in the hand of Father Nathaniel Bacon, alias Southwell, without any signs of correction except those of the writer himself. Hence they

are probably copies entered by him in the Register from loose drafts.

No. 5, J. **1638, May 15.**

The General Vitelleschi to Philip Fisher, Superior, Maryland. *Approbation, good wishes. Condolence on the death of John Knowles. Messages to Father White, convalescent, and to the others.—See* History, I. § 44, p. 370.

In Marilandiam, P. Philippo Fishero Superiori.

Valde me in Domino oblectarunt quae R.ª V.ª 3 novembris ad me perscripsit de regionibus istis ad messem albis et lacte ac melle divinae gratiae per Christi fidem brevi, uti speratur, disseminandam manaturis. Incrementum donet divina bonitas iis quae R.ª V.ª caeterique socii tanta isthic industria plantarunt et sudore rigaverunt. Mihi singulari semper erit solatio de eorumdem progressibus edoceri, et quacunque valeo etiam cooperari. Jactura boni P. Joannis Knoles immatura nobis fateor fuit, et in tanta operariorum paucitate vobis speciatim merito peracerba; sed Domino acquiescendum est, qui mortificat et vivificat, et cui ager ille curae et amori est plusquam nobis esse potest. P. Andreae Vito receptam sanitatem impense gratulor; et reliquis sociis nostris fructuosissimos ibi labores et messem animarum magnam summa animi contentione precor. Bonus Jesus omnes spiritu suo divino repleat, et in tanta patiendi pro nomine ipsius segete mei etiam memores in suis sanctis precibus custodiat. Romae, 15 maii [*1638*].

Resp. de bono statu.

No. 5, K. **1639, September 3.**

The General Vitelleschi to Philip Fisher, Maryland. *On the difficulties which have arisen with the new laws proposed in Maryland, to the detriment of ecclesiastics. On barter in default of currency. On the mission founded by Fisher. On his desire to work outside of the colony.—See* History, I. § 36, p. 339; § 55, p. 458.

In Marilandiam, P. Philippo Fishero.

Valde me afficiunt difficultates vestrae descriptae ab R. V. 14 maii; nec video quî possim occurrere. Solatur me tamen magnopere tum ea tranquillitas, quae repulsam legum a commissariis factam secuta est, tum probitas etiam magistratus istius qui, cum catholico se nomine censeri cupiat, nihil, uti spero, definiet in ecclesiasticos sine summo pastore; sine quo nec illis attentare fas est, nec nobis, si fecerint, assentiri. Ipse unus, et ex illo caeteri, jus dicit in suos ubique gentium, ubique terrarum.

Commutationem nobis ad vitam tolerandam censeo prorsus necessariam; nec ea negotiationis invidiam habere potest, ubi alia venditionis emptionisque ratio nulla est. Sed moderationem definiat honesta necessitas.

De fundatione missionis ab R. V. instituta nihil habui querelarum; nec in ea tractatione quidquam ab ipsa peccatum est cur poenitentiam sibi poscat imponi. Caeterum non omittam commendare P. Provinciali ut, si possit, R. V. in missionem extra coloniam expediat. Ipsa me interea in suis Sacrificiis et orationibus Deo commendet, sociosque omnes a me peramanter salutatos in Domino complectatur. 3 septembris 1639.

No. 5, L. **1639, September 3.**

The General Vitelleschi to Edward Knott, (*Provincial-elect*). *In the Maryland crisis, conscience is not to be sacrificed to fear of unpopularity. Mgr. Con might be induced to report the matter to the Pope.*—*See* History, I. § 55, p. 459.

Londinum, P. Edoardo Knotto.

Satis perspicio quam in ancipiti versentur patres in Marilandia per causam novarum legum; sed, si pars altera subeunda est, conscientiae prae invidia populari consulendum est. Si Ill^mo^ D. Connaeo persuaderi possit, ut rem ipse deferat ad Sanctam Sedem, arbitror haud fore operam sine pretio. ¶¶ . . . 3 septembris 1639. Marilandia.

No. 5, M. **1639, September 3.**

The General Vitelleschi to Henry More, Provincial. *On the barter practised by the missionaries in Maryland. On relieving Father Fisher in St. Mary's, and allowing him to go out on the Indian missions.*—*See* History, I. § 55, p. 459.

P. Henrico Moro Provinciali.

¶¶ . . . In Marilandia nullam esse pecuniae, sed rerum permutationem intelligo; eam proinde a nostris posse sine negotiationis invidia usurpari. Et alibi quidem etiam non uno loco scio esse in usu; nec illaudabilis est, si justa moderatione tractetur. Marilandia.

P. Philippus Fisherus magno fertur ardore in salutem indigenarum. Si potest illi R. V. quempiam in colonia subrogare, atque experiri quod [*quid?*] possit in illo gerere, efficiet ne se putet ille frustra me interpellasse in causa tam bona. Atque his me SS. et O. R. V. commendo. 3 septembris 1639. P. Philippus Fisherus.

No. 5, N. **1639, October 1.**

The General Vitelleschi to Andrew White, Maryland. *On the unjust laws proposed in the colony. On Father White's History of the Mission. The General zealous in promoting the spirit of foreign missions.*—*See* History, I. § 55, p. 459.

In Marilandiam. P. Andreae Vito [*Superiori—deleted*].

Animarum quaestus et constantia in repudiandis iniquis legibus vestra litteris R. V. expressa mirifice me recreavit, erexitque spe successuum optimorum. Gratissima mihi erit historia missionis istius, quam R. V. exorsa est, nec dubito quin sit profutura ad multorum excitandos spiritus in easdem expeditiones. Eas ego P. Provinciali commendabo, uti par est, impense; et Deum rogabo ut R. V. et socios in tam insigni laborantes opere sua benevolentia prosequatur. Eidem me R. V. in suis SS. et O. commendare ne gravetur. 1 octobris 1639.

No. 5, O. **1639, October 8.**

The General Vitelleschi to Edward Knott, Provincial. *Commends the Maryland missionaries to his special attention.*—*See* History, I. § 55, p. 459.

P. Odoardo Knotto Provinciali.

¶¶ . . . Superest ut socios qui trans oceanum in Marilandia desudant R. V. commendem, quod enixe facio; et, largam de coelo benedictionem apprecatus, ipsius vicissim SS. et O. implorem. 8 octobris 1639.

Marilandia.

No. 5, P. **1640, July 28.**

The General Vitelleschi to Edward Knott, Provincial. *Desires more missionaries to be sent to Maryland; their number and names to be reported to him.*—*See* History, I. § 55, p. 459.

P. Odoardo Knotto Provinciali.

¶¶ . . . Marilandicam missionem valde commendo R. V., rogoque ut in eam operas necessarias mittat; et me, quotnam, quosque illos miserit, certiorem faciat. Me interim Deo in suis SS. et O. commendet. 28 julii 1640.

No. 5, Q. **1640, August 18.**

The General Vitelleschi to Philip Fisher, Maryland. *Gratified to hear of the Indian king's conversion. Has recommended to the*

Provincial the interests of Maryland.—See History, I. § 55, pp. 459, 460.

In Marilandiam, P. Philippo Fishero.

Valde me recrearunt litterae R. V. datae 7 aprilis, avideque expecto de baptismo principis gentis istius, quem parari significat, distincte cognoscere; quod superiorem confido non neglecturum. Interea P. Provinciali serio commendavi desideria R. V. totamque missionem, cui novas ipsum operas submissurum, data opportunitate, non dubito. Vos isthic interim strenue, ut facitis, rem Dei urgete, et cumulatis meritis multiplices vobis coronas intexite. Ego sollicite Deum rogabo ut vestros labores fortunet; illi me vicissim R. V. in suis SS. et O. commendet. 18 augusti [*1640*].

No. 5, R. **1640, September 15.**

The General Vitelleschi to John Brooke (*Ferdinand Poulton*), Superior, Maryland. *On the four stations occupied, the Indian prospects of conversion, the baptism of the king. The hope of establishing a college. The General has commended Maryland interests to the Provincial.—See* History, I. § 39, p. 346; § 55, p. 460.

In Marilandiam, P. Joanni Brooko Superiori.

Accepi litteras R. V. datas 2 Maii, nec satis explicare possum quam eae mihi jucundae fuerint. Nimirum tam alte insedit animo meo vestra ista missio, ut nihil magis aveam quam de illa creberrime intelligere, et spero per industriam R. V. me laetissima quoque tempore accepturum. Quae de sedibus quatuor in locis collocatis, quae de benevolentia principis in illa gente primarii, de ipsius ad baptismum animo, de spe fructus uberrimi perscripsit, valde me recrearunt in Domino. Spem ostentatam collegii laetus amplector, et cum maturuerit non cunctabor admittere. Macte sit animo R. V. et confidat illam ipsam, quam de se concepit tenuem existimationem, validissimum fore ad praeclaras molitiones instrumentum. Neque enim vult Deus ut glorietur in conspectu ejus omnis caro. Commendavi jam ego P. Provinciali, ut plures vobis operas quamprimum submittat, ne sub onere pauci fatiscatis. Quos jam isthic habet R. V., cupio a me per occasionem salutari peramanter, meque ipsorum et R. V. SS. et O. impense commendatum esse. 15 septembris [*1640*].

No. 5, S. **1641, July 13.**

The General Vitelleschi to Philip Fisher, Maryland. *Acknowledges receipt of news, good and bad. Hopes for the best. Offers all aid.—See* History, I. § 60, p. 483.

In Marilandiam, P. Philippo Fishero.

Redditae sunt mihi litterae R. V. datae 8 martii, mixti argumenti, laeti tristisque; sed, cum laeta videantur perenniora fore, magno me gaudio cumulavit. Est mihi vestra missio tantopere cordi quam ullibi alia, et quidquid ad eam promovendam poterit a me praestari, ubi resciero, omni studio procurabo. Id dum ago, R. V. me suis SS. et O. Deo commendet. 13 julii [*1641*].

No. 5, T. **1641, December 21.**

The General Vitelleschi to Edward Knott, Provincial. *Has received the Points; will consider them, and answer. Is loath to entertain the project of dissolving the Maryland Mission, as long as spiritual fruit can be had. But, if necessary to do so, now that secular priests are sailing thither, the General commits the matter to the Provincial's prudence.—See* History, I. § 63, pp. 514, 515.

P. Odoardo Knotto Provinciali.

Accepi catalogos, quos 15 novembris misit R. V., et subinde quae 22 mensis ejusdem dedit de missione Marilandica. Puncta controversa pensiculatius examinabo, ac tum de iis, quoad opus fuerit, respondebo. Solvendae missionis illius, quae tanto nostris labore stetit, consilium aegre admitto, dum lucrum animarum, tametsi cum aliqua difficultatum patientia, in spe est. Nihilo minus, si praecavendis gravioribus incommodis ita opus fuerit, navigantibus eo sacerdotibus saecularibus, rem totam prudenti arbitrio R. V. permitto; cujus me interea SS. et O. 21 decembris [*1641*].

Marilandica.

No. 6, A. **1642, September 6.**

The General Vitelleschi to Philip Fisher, Superior, Maryland. *Vicissitudes of Maryland affairs. Congratulations. Disapproval of Fisher's proposal to come and see the General in Rome. The latter recommends writing often to the Provincial. The Annual Letters expected.—See* History, I. § 66, pp. 525, 526.

P. Philippo Fishero in Marilandiam, Superiori.

Non aliter quam inter tristia ac laeta ducitur omnis quae hic vita vivitur; qua se quoque isthic sorte esse scribit R. V. 3 martii. Gratulor autem impense fructum in horrea Domini illatum, et ut in dies uberior sit toto animo voveo. Quod de suscipiendo ad nos itinere sciscitatur sententiam nostram, priusquam illud ineat, prudenter facit. Caeterum nec tanti laboris pretium exstiturum reor, neque video quid

tantopere possit urgere, ut non possit per litteras confici, praesertim in tanta isthic nostrorum paucitate. Utatur R. V. quam frequentissimo potest litterarum commercio cum P. Provinciali: erit ille in res vestras animo pervigili. Litteras vestras annuas avidissime expectabo, ut ex iis de rebus vestris accuratius cognoscam. Interim salutem plurimam impertiat R. V. meo nomine P. Vito et P. Rigbaeo, quorum bonis laboribus bene precor ex animo; et me Deo in suis SS. 6 septembris 1642.

No. 6, B. **1642, November 22.**

The General Vitelleschi to Edward Knott, Provincial. *He will try to procure faculties for missionaries from the Cardinal-Protector so as to buy off vexation.—See* History, I. § 66, p. 532.

P. Odoardo Knotto Provinciali.

P. Gulielmum Watsonum dimissum probo: facultates missionariorum curabo ipse a Protectore peti, ad redimendam vexationem: si fuerint impetratae, significabo R. V., cujus me interea SS. 22 novembris [*1642*]. P. Guil. Watsonus.

No. 6, C. **1642, December 6.**

The General Vitelleschi to Edward Knott, Provincial. *Withholds authority to send more men to Maryland until he receives fuller information.—See* History, I. § 66, p. 532.

P. Odoardo Knotto Provinciali.

¶¶ . . . De mittendis in Marilandiam tum respondebimus, cum ea quae praeterea condicit R. V. acceperimus. ¶¶ . . . 6 decembris 1642. Marilandia.

No. 6, D. **1642, December 13.**

The General Vitelleschi to Edward Knott, Provincial. *The demands of Lord Baltimore, now received, cannot be admitted. Will consider if there is any way of solving the difficulty.—See* History, I. § 66, p. 532.

P. Odoardo Knotto Provinciali.

Accepi quae misit R. V. postulata Ill^mi^ Domini Cecilii Baronis de Baltamor, quae admitti certe a nobis non possunt. Videbo numquid hinc consilii melioris suppeditari possit, quo difficultas expediatur. Interim R. V. determinationem suspendat. ¶ . . . 13 decembris 1642. Baro de Baltimor.

No. 6, E. **1643, August 1.**

The General Vitelleschi to Edward Knott, Provincial. *Desires to receive the Maryland Letters, and enjoy the prospect of seeing the advance of faith in America make up for the loss of faith in Europe.—See* History, I. § 69, p. 555.

P. Odoardo Knotto Provinciali, in Angliam.

¶ . . . Litteras Marilandicas, quarum meminit R.ª V.ª, cupide expecto, ut ex propagatione fidei iis in partibus leniam quodammodo dolorem, quem ex detrimentis ejusdem in Europa patimur. Nec aliud occurrit ad datas a R.ª V.ª 16 junii. ¶ . . . 1 augusti 1643.

Litterae Marilandicae.

No. 6, F. **1643, August 1.**

The General Vitelleschi to Philip Fisher, Superior in Maryland. *Satisfaction at the spiritual prospects. Resignation in the face of adversaries. Answer in the affirmative to Fisher's question, whether chapels not consecrated enjoy the full privileges of Jesuit churches.—See* History, I. § 67, p. 540; § 69, p. 555.

In Marilandiam. P. Philippo Fishero Superiori.

Summo me gaudio cumularunt litterae R.ae V.ae 8 aprilis datae de tam amplo ostio praedicationi evangelii iis in gentibus patefacto. Quod de adversariis addit, nihil miror: crevit iis septa Ecclesia ipso jam inde ab exordio, serviuntque virtuti pro cote qua se acuat et intendat magis. Patientia et benefactis vincentur tandem, spero, impertietque Divina Bonitas laboribus vestris benedictionem suam.

Quod quaerit R.ª V.ª utrum sacella nostra publica non consecrata fruantur indulgentiis concessis reliquis ecclesiis Societatis, respondeo non esse necessariam consecrationem ad hoc ut ecclesiae nostrae seu sacella concessis a Sede Apostolica fruantur indulgentiis; adeoque gaudere iis etiam isthic sacella nostra publica, licet non consecrata. Faxit Deus ut hic fructus extendat se ibi ad quam plurimos. Omnibus isthic nostris affluentiam donorum coelestium a Domino submisse precor, et demum omnium SS. Sacrificiis atque precibus me ex animo commendo. 1 augusti 1643.

Responsio generalis de sacellis non consecratis.

No. 6, G. **1643, October 31.**

The General Vitelleschi to Edward Knott, Provincial. *On the difficulties in Maryland. Wishes the mission to be maintained. But little hope of obtaining faculties from the Holy See (to give*

up the property). The three expedients proposed by Knott. The second and third admissible. The General writes a letter accordingly to be seen by Lord Baltimore. On the property already acquired in Maryland, and so become, it would seem, ecclesiastical. Baltimore will possibly assent to its serving a sacred purpose.—See History, I. § 69, p. 557.

P. Odoardo Knotto Provinciali.

Expendi difficultates a R.ª V.ª propositas 8 septembris circa missionem nostram Marilandicam. Conservandam existimo nobis modis omnibus benevolentiam Ill.mi Baronis Domini regionis, ne pulcherrima messis in herba pereat et propter controversias de terrenis bonis priventur indigenae aeternis. Indulti apostolici, quale optat R.ª V.ª, impetrandi spes est exigua. Ex tribus modis a R.ª V.ª propositis primus theologis nostris non probatur; secundus et tertius censentur liciti; adeoque ad illorum normam scribemus litteras quales efflagitat R.ª V.ª cum Ill.mo Domino, si ita videatur, communicandas. De bonis jam donatis difficultas major est; cum enim in jus Ecclesiae transiisse jam illa videantur, non putamur posse iisdem cedere absque consensu Pontificis. Verum, cum non magni, uti opinor, momenti illa esse possint, contentusque sit Ill.mus Dominus consentire in congruam nostrorum sustentationem juxta institutum nostrum, assentietur fortasse ut illa in eum finem deserviant. Sin minus, moneat me denuo R.ª V.ª et periculum faciemus, si forte facultatem ad id a Sede Apostolica impetrare poterimus. ¶¶ . . . 31 octobris 1643.

Missio Marilandica.

No. 6, H. **1643, October 31.**

The General's letter enclosed in the preceding, and communicable to Lord Baltimore. *Satisfaction at the spiritual prospects in Maryland. Desires no controversy about temporalities. Scarcely possible to obtain a licence for giving up all Church property to the Baron; but all Jesuits are herewith prohibited from acquiring any more without the consent of the Baron, who no doubt will be ready to give his consent, in the matter of providing a necessary maintenance for the Jesuit missionaries.—See* History, I. § 69, pp. 557, 558.

Eidem P. Provinciali.

Magnam animi capio voluptatem ex iis quae nuper recensuit R.ª V.ª de fructu sementis evangelicae nostrorum opera sparsae in Marilandia, et spe luculenta vigentis messis in horreum Domini inde congregandae. Verum de cumulo laetitiae detrahit non parum quod subjungitur de controversia cum Ill.mo Barone regionis illius

Missio Marilandica.

Domino, super bonis stabilibus sine illius consensu Ecclesiae minime addicendis. Nollem siquidem ex dissidio de rebus temporalibus injiceretur mora conversioni animarum, aut propter caduca haec bona impediremur perducere indigenas ad aeterna. Quamobrem R.ª V.ª meo nomine securum reddat Ill.mum Baronem, nos ditioni ipsius temporali non modo damno non futuros, sed ejusdem amplificandae et propagandae, quantum instituti ratio patitur, futuros semper adjutores. Et quoniam spes exigua affulget impetrandi brevis Pontificii (prout expetit R.ª V.ª), quo irritae reddantur donationes quaelibet factae in beneficium ecclesiae citra consensum Ill.mi Domini, saltem quantum in potestate nostra situm est, ad conciliandum nobis eundem Ill.mum, R.ª V.ª exequatur; et pro bono pacis nostris omnibus in vinea illa laborantibus praecipiat, ne quid bonorum stabilium a fidelibus vel infidelibus ibi oblatum ullo modo admittant sine consensu ejusdem Ill.mi Domini; quem sicut ab eximia pietate, zelo et speciali in minimum Ordinem nostrum benevolentia, celebrari saepius audivi, ita confido futurum facilem liberalemque ad praestandum consensum suum in ea, quae ad congruam nostrorum sustentationem illic juxta institutum nostrum videbuntur necessaria. R.ª V.ª felicissima quaeque et optatissima meis verbis precetur eidem Ill.mo Domino, cujus pietatem gaudeo me hic aliquando cominus spectasse, et demum in suis sanctis Sacrificiis precibusque sit memor mei. 31 octobris 1643.

No. 6, J. **1643, November 14.**

The General Vitelleschi to Edward Knott, Provincial. *Loss of the Annual Letters in the post. Another copy called for.—See* History, I. § 69, p. 559.

P. Odoardo Knotto Provinciali.

Ex datis a R. V. 29 septembris intercidisse video priores scriptas 7 julii, doleoque imprimis jacturam narrationis laborum nostrorum in Marilandia, quam propterea cupio ut R. V. iterato describi mittique curet. ¶¶ . . . 14 novembris 1643.

No. 6, K. **1643, December 5.**

The General Vitelleschi to Edward Knott, Provincial. *The Annual Letters now received. Congratulations on the spiritual harvest reaped, with auguries for the future. Has removed any obstacle on the score of temporalities by the order recently sent, and, as he hopes, already received, against accepting of any land without the Baron's consent.—See* History, I. § 69, p. 559.

P. Odoardo Knotto Provinciali.

Gratissima mihi accidit narratio de gestis a Deo per nostros in Marilandia una cum litteris 13 octobris datis. Prius siquidem exemplum intercidit. Faxit Deus ut tanto cum proventu coepta messis pares per amplissimas illas regiones progressus sortiatur. Certe, ne quid obicis opponatur ex discordia de terrenis reculis, jam significavi alias R^ae^ V^ae^ prohibere ut [!] nostris, pacis causa, ne quid bonorum stabilium admitterent absque consensu Ill^mi^ Baronis Domini regionis, et sperabo eas litteras perlatas esse. Nollem enimvero tam pulchre crescentem in Domino segetem pruina aviditatis in herba corrumpi. ¶¶ . . . 5 decembris 1643.

Marilandia.

No. 6, L. 1644, July 16.

The General Vitelleschi to Philip Fisher, Superior in Maryland. *Felicitations on the baptisms; on the work done in Virginia also; on the project of penetrating further among the Indians. Copley's design of an excursion into New England. On the fewness of men. On a land establishment being well founded, if the Baron consents. An exhortation to increased zeal.—See* History, I. § 69, pp. 559, 560.

In Marilandiam, P. Philippo Fishero Superiori.

Cum nihil mihi acceptius esse possit quam de progressibus amplis fidei catholicae et fructuosis nostrorum in id obsequii laboribus certiorem fieri, mirifice me recrearunt litterae R^ae^ V^ae^ 10 martii exaratae. Gratulor sane quam impensissime in Domino de ablutis sacro fonte plerisque magnatibus provinciae, tam propinqua spe salutis reliquorum, ipsam Virginiam sensisse vicinitatis nostrae beneficium, et in interiorem Indiam cogitari de provehenda paulatim face evangelii. Tam fausta coepta secundet Deus ubere frugum incremento, ut qui seminat simul gaudeat et qui metit.

Quod excursionem attinet R^ae^ V^ae^ in Novam Angliam non habeo ego quod opponam. Perpendat ipsa diligenter difficultatem operis suis cum consultoribus, et si rei bene gerendae spes affulgeat per me licebit. Scribam nihilominus ad P. Provincialem ut, si quid ipsi occurrat in contrarium, opportune suggerat et in illius consilio R^a^ V^a^ acquiescat.

De excursione in Novam Angliam.

Id unum doleo in tanta messe tam paucos esse operarios, et ne illis quidem convenienter sustentandis suppetere praesidia vitae necessaria. Sed aderit spero Adjutor in opportunitatibus, et non solum quaerentibus sed et propagantibus tanto studio regnum Dei adjiciet reliqua. Quamobrem probarem valde quod innuit R. V. de fundatione aliqua stabilienda, si de consensu et bona gratia Ill^mi^ Domini regionis

Fundatio stabilienda.

proprietarii obtineri poterit. Utcunque vero se id habebit, pro facultate ibi quam Deus dederit, bonum facientes non deficiamus; tempore enim suo metemus non deficientes. Imitemur majores nostros primos Indici novalis proscissores, atque ipsos adeo Apostolos, qui per summas corporum aerumnas, in frigore et nuditate, in fame et siti et mille denique per pericula, verbum Dei disseminarunt. Labores licet maximos cumulatissime aliquando compensabit aeterna requies. Gratia Domini nostri et caritas Dei sit cum omnibus vobis. Omnium SS. Sacrificiis atque precibus me impense commendo, et laborum denique tam frugiferorum particeps fieri vehementer desidero. 16 julii '44.

No. 6, M. **1644, July 16.**

The General Vitelleschi to Edward Knott, Provincial. *Submits Father Fisher's proposal of making an excursion into New England.—See* History, I. § 69, p. 560.

P. Edoardo Knotto Provinciali.

¶¶ . . . Percontatus ex me est superior Marilandiae num excurrendum ipsi censeam ad menses aliquot in Novam Angliam, quo spe fructus non exigui ait se invitari. Ego nihil impedimenti video quo minus lucra sectetur animarum, ubicunque captare illa poterit; nihilominus si quid obicis R^ae^ V^ae^ occurrat, significare ea super re sententiam suam non omittat. ¶¶ . . . 16 julii '44.

Missio in Novam Angliam.

No. 6, N. **1644, November 5.**

The Vicar-General (*Sangrius*) to Edward Knott, Provincial. *Disappointment at Baltimore's persistence in demanding Church property. Willing to sacrifice the lands acquired, if Rome grants authorization. Desires that no temporal interest impede spiritual good.—See* History, I. § 69, p. 561.

P. Odoardo Knotto Provinciali.

¶¶ . . . Merito sperari poterat Ill^mum^ Dominum Baronem Baltamor, securum de futuris bonis stabilibus non admittendis in Marilandia sine consensu ipsius a nostris, remissurum fuisse curam de praeteritis. Verum, quoniam et cessionem horum obfirmate urget, dabimus operam ut impetremus licentiam abdicandi etiam illa, si forte a Sacra Congregatione poterit obtineri. Libenter dicimus, quantum in nobis est: Det nobis animas, caetera tollat sibi; et, cum aliud iis in regionibus non quaeramus quam propagationem fidei catholicae, doleremus utique vehementer jactam jam feliciter evangelii sementem zizaniis istiusmodi dissensionum velut in herba suffocari. Meliora spero e divitiis bonitatis Dei, cui R^am^ V^am^ multa cum prece commendo, et me vicissim SS. R^ae^ V^ae^ Sacrificiis. 5 novembris 1644.

Marilandia.

No. 6, O. **1644, November 19.**

The Vicar-General to Edward Knott, Provincial, Ghent. *Repeats the authorization already given to decline accepting any property in Maryland, if that is expedient for the sake of peace and the good of religion.—See* History, I. § 69, p. 561.

P. Odoardo Knotto Provinciali, Gandavi.

¶¶ . . . Bonis oblatis in Marilandia nostris (de quibus alias) R^a V^a cedere poterit, si ita ex bono pacis et rei christianae expedire censuerit. Atque his me commendo impense SS. R^ae V^ae Sacrificiis atque precibus. 19 novembris 1644. Marilandica bona.

No. 6, P. **1645, July 22.**

The Vicar-General to Edward Knott, Provincial. *On the violent deportation of the Jesuit missionaries from Maryland.—See* History, I. § 70, p. 563.

P. Odoardo Knotto Provinciali.

¶¶ . . . De nostris ex Marilandia abductis tanto cum incommodo suo, et detrimento religionis in novali illo, vehementer prout par est doleo. Fortasse praemiari volet Dominus eorum labores in illa vinea exantlatos palma martyrii, vel certe confessionis suae in illustriori theatro, quo conspicua magis reddatur eorumdem virtus ad exemplum imitationis. ¶ . . . 22 julii 1645. De nostris abductis ex Marilandia.

No. 6, Q. **1646, November 10.**

The General, Vincent Carrafa, to George Duckett, Vice-Provincial, Ghent. *On the anti-Catholic persecution in Maryland. Prefers that the Jesuits themselves do not enter into negotiations with the King of Spain to obtain a refuge in the West Indian islands for the Catholics expelled from Maryland.*

Gandavum, P. Georgio Ducketto, V. Provinciali.

¶¶ . . . De persecutione catholicorum in Marilandia et ejectione inde cum nostris doleo. Maluissem ut per saecularem aliquem tentassent illi impetrare a Rege Hispaniae insulas illas vicinas Virginiae; nec enim decet istiusmodi legationibus implicari nostros; et, si res integra etiamnum sit, ita fiat; si non sit integra, expectabo quorsum res evadat, faxit Deus ut ad suam gloriam et catholicorum solatium. ¶¶ . . . 10 novembris 1646. Marilandia.

No. 6, R. **1647, March 9.**

The General Carrafa to Henry Silesdon, Provincial. *Cannot entertain the Baltimore proposals. If the Proprietary himself obtains an authorization from Rome for the Jesuits to give up their property in Maryland, the General will promptly conform. Renews the prohibition of the former General against accepting property without the Baron's consent. If the Baron wants more, let him provide other priests for the service of his plantation.*

P. Henrico Silisdonio Provinciali.

¶¶ . . . Postulatis Ill^mi^ Domini Baronis proprietarii Marilandiae consentire non possum, quia immunitati ecclesiasticae videntur non parum adversari; nec spes mihi ulla est impetrandi consensum in ea Pontificium; sed nec decet me illum postulare. Si ipse Ill^mus^ Dominus per alios tentare velit ut eum obtineat, promptissimum me in omnem nutum Sanctitatis Suae habebit. Cessioni factae a P. Mutio p. m. ego quoque stabo et prohibitionem ab eodem latam, ne nostri admittant ulla bona stabilia sine consensu Ill^mi^ Domini proprietarii, ego pariter confirmo. His si contentus fuerit Ill^mus^ Dominus, pergemus servire ipsi et animabus in vinea illa Christi, pro viribus nostris; si secus, provideat sibi Ill^mus^ Dominus de operariis aliis, revocetque inde R.^a^ V.^a^ nostros; id quod serius vel citius, tametsi cum damno aliquo animarum, faciendum nobis male metuo. ¶¶ . . . 9 martii 1647.

De Marilandia.

No. 6, S. **1647, May 11.**

The General Carrafa to Henry Silesdon, Provincial. *Commends the zeal and self-abnegation of the English members who offer themselves for the Indian missions; but no room on the lists of aspirants at present. The condemnation of the petition to transport Catholics into Maryland must not be procured through the interposition of ours, especially of Father Thomas Courtney. Spiritual suffrages for the deceased S.J. in Maryland. The secular priest there who desires to enter S.J. must be recalled to Europe for his novitiate; or else be merely admitted to the spiritual privileges of the Society, with a promise of admission to vows on his death-bed.*

P. Henrico Silisdonio Provinciali.

¶¶ . . . Fervore eorum qui ex desiderio majoris abnegationis sui offerunt se ad missiones Indicas ex provincia R. V. plurimum delector

in Domino; et, cum V. R. assensum praestiterit, ego illos non impediam, si a procuratoribus missionum illarum expetentur. Nunc impletus est manipulus singulorum; alias forte nova se offeret opportunitas. Indipetae.

Quod ad libellum attinet de emittendis in Marilandiam catholicis, nescio an expediat in procuranda illius proscriptione comparere nostros, et praesertim P. Thomam Courtnaeum, de quo submovendo Roma acriter adhuc instatur apud Sanctitatem Suam; nec vacat adhuc periculo res. Forte evanescet ex se libellus, nec opus erit impulsu alio. Marilandia.

Pro nostris defunctis in Marilandia jam indixi suffragia.

An autem expediat sacerdotem saecularem ibi nunc laborantem in Societatem admittere valde ambigo, nisi revocetur in Angliam vel in Belgium ad novitiatum. Nam cum nemo ibi nunc nostrorum sit, nec submittendos ullos existimem, si Ill^mus Dominus proprietarius pergat nobis negotium facessere, exigendo adversantia immunitati ecclesiasticae, quis tyronem ibi nostrum instruat, quis rationem conscientiae excipiat? Consultius mihi multo videtur ut communicentur ei quidem merita Societatis nostrae et promittatur ei admissio in hora mortis; interim conjunctus nobis vinculo caritatis permittatur excolere vineam istam, nisi forte, uti dixi, evocandum judicet V. R. ad novitiatum. ¶ . . . 11 maii 1647. Sacerdos saecularis in Marilandia.

No. 6, T. **1647, September 7.**

The General Carrafa to Henry Silesdon, Provincial. *Permission granted to send as many as may be necessary to Maryland, admonishing them to avoid contentions with the Proprietary, and yet not to sanction with their consent any violation of ecclesiastical immunity.*

P. Henrico Silisdonio Provinciali.

Cum tanta sit messis spiritualis et operarii omnino nulli in Marilandia et Virginia, quemadmodum significat R^a V^a litteris suis 27 julii, facio facultatem R^ae V^ae ut mittat eo quotquot judicabit necessarios, praemonitos tamen ut contentiones omnes cum Ill^mo Domino proprietario aut illius ibi administris devitent, nec in aliquid, quod praejudicium creet immunitati ecclesiasticae, consentiant. ¶¶ . . . 7 septembris 1647. Marilandia et Virginia.

No. 6, U. **1647, December 28.**

The General Carrafa to Henry Silesdon, Provincial, London. *No missionary to be sent to Maryland, if the Proprietary is unfavourable. Aid for the Catholics in Virginia. Put off*

Mr. Leugar for a year or two; try his constancy; and then admit him or not into the Society, as shall seem good.

P. Henrico Silisdonio Provinciali, Londinum.

¶¶ . . . In mittendo aliquo missionario in Marilandiam nollem novas seri lites cum Domino proprietario, et videtur praestare ut nos itineri subducamus quam ut, invito ipso, ditionem illius adeamus. In Virginiam porro quid expediat in solatium illorum catholicorum videat cum consultoribus suis R.ª V.ª.

Quod attinet porro ad admissionem Domini Leugar in Societatem nostram, probet adhuc paulo diutius illius constantiam per unum alterumve annum R.ª V.ª, et tunc admittat, prout e majore Dei gloria futurum censebit. ¶¶ . . . 28 decembris 1647.

No. 6, V. **1648, January 25.**

The General Carrafa to Philip Fisher, London. *Commendation for his self-abnegation and zeal in undertaking anew the mission of Maryland.*

Londinum, P. Philippo Fishero.

Quod necdum satura laborum aut pertaesa perpessionum R.ª V.ª denuo se accingat ad missionem Indicam, quemadmodum significat 16 novembris, facit rem dignam zelo suo, dignam discipulo Illius, qui relictis nonaginta novem ovibus in collibus aeternis, quaesivit unam palabundam inter vepres terrae ut inferret coelo. Certe si ad coacervandas perituras divitias iterum ac saepius currunt mercatores ad extremos Indos, quidni idem ac amplius faciat negotiator coelestis ad opes aeternas sibi aliisque congregandas? Et si ipsis tanti est fragile vitrum, quidni nobis sit pluris verum et inaestimabile margaritum? Pergat igitur feliciter R.ª V.ª innixa super Dilectum suum; et, quae nullis parcit laboribus aut periculis ut animas lucretur Deo, dignum ferat precor operae suae pretium et crescat spiritualiter in mille millia. Commendo me vicissim etiam atque etiam SS. R.ªe V.ªe Sacrificiis atque precibus. 25 januarii [*1648*].

Eunti in Indiam.

No. 6, W. **1648, July 18.**

The General Carrafa to Philip Fisher, Superior, Maryland. *Congratulations on his arrival in Maryland, and the comfort given to the desolate flock. Desires to receive all particulars of his ministry. On the hopes of further assistance being sent.*

In Marilandiam, P. Philippo Fishero Superiori.

Vere nuntius bonus de terra longinqua fuerunt mihi litterae a V. R.ª ineunte martio conscriptae. Benedictus Deus, qui per tot pericula

deduxit ipsam cum suo socio incolumem ad solatium optimorum isthic catholicorum et praesertim neophytorum, qui velut oves destitutae pastore carebant diu pabulo aeternae vitae. Precor Deum ut det incrementum uberrimum plantationibus et rigationibus R.ae V.ae sociique in Marilandia, et benedicat coeptis etiam in Virginia. Non omittat me certiorem reddere R.a V.a de singulis ibi quae ad aedificationem narrari poterunt, ut commune sit nobis gaudium, quibus commune est quodammodo lucrum, et ex fructu laborum vestrorum nos quoque proficiamus in Domino. Secundissima quaeque ab illo precor iterum atque iterum R.ae V.ae et sociis omnibus, si plures forte (prout futurum sperabat) jam accesserint; et ad extremum me commendo impense omnium SS. Sacrificiis atque precibus. 18 julii [*1648*].

No. 6, X. **1648, November 7.**

The General Carrafa to Henry Silesdon, Provincial. *On the unsound tenets of Baltimore and his secretary.*

P. Henrico Silisdonio Provinciali.

¶¶ . . . Quod attinet ad colloquium inter Ill.mum Dominum Baronem proprietarium Marilandium et illius secretarium, satis liquet ex eo ipsum bibisse aquam turbidam de via Aegypti et imbutum esse dogmatibus parum sanis; et verendum ne plures iisdem inficiantur. Sed nescio quid remedii adhiberi possit, maxime iis dubiis temporibus, et eo loci ubi impune quisque sentit quod lubet. ¶¶ . . . 7 novembris [*1648*]. Baro Marilandic[us].

Here the handwriting of Father Nathaniel Southwell stops for some time.

No. 6, Y. **1650, May 28.**

The General, Francis Piccolomini, to Henry Silesdon, Ghent. *The qualities required in a missionary. Refuses to allow of Father Francis Matson's* (Matajon) *being sent to St. Christopher.*

Gandavum, P. Henrico Silisdonio.

Nescio quam felicem exitum de moribus P. Francisci Matsoni nobis in missione transmarina S. Christophori possimus polliceri, qui in provincia non satis virtutem suam probarit; nam ejusmodi missiones viros plane apostolicos, spiritu submissionis et obedientiae praeditos exigunt, ut proinde nequeam statuere. Illud tamen prorsus deliberatum habeo ut gradu, antequam ex Anglia educatur, minime donetur; cujus evocatio in P. Provincialis est potestate. ¶ . . . 28 maii 1650.

No. 6, Z. **1650, August 20.**

The General Piccolomini to Francis Foster, Provincial. *The case of Matajon; to be recalled from England, and not to be sent to Maryland. Fisher's letter from the Colony. A decision on missions as such, and landed property or income: only a college can possess. Organize Maryland accordingly, if its status is irregular.*

Leodium, P. Francisco Fostero Provinciali.

Accepi postremas R. V. 22 julii datas. De patre Matajon ex Anglia revocando et in Marilandiam mittendo scripserat nuper ad me P. Silisdonius. In illud justis de caussis consensi, quod in R. V. potestate foret; abnui hoc, quod minus idoneus ad tales missiones videatur, quae apostolicos perfectosque requirunt, et etiamnum persto in sententia. Tutius P. Matajon Watenis aut Gandavi quam Leodii collocabitur.

P. Mattajon.

¶¶ . . . Dedit ex Marilandia litteras adulto februario P. Philippus Fisherus, et quo res catholica loco sit indicavit. Circa quam missionem illud breviter insinuandum putavi.

Novit probe R. V. per instituti nostri leges missiones nec redditus nec bona stabilia habere posse, prout in Marilandia fieri perhibent, nisi alicui fortassis collegio haec missio sit incorporata; quod, nisi factum est, quamprimum faciendum est. R. V. videat cum suis cui potissimum collegio adjungenda, meque et patres in Marilandia certiores faciat. Caeterum me SS. R. V. Sacrificiis impense commendo. 20 augusti 1650.

Missiones non habeant bona stabilia, etc.

Supplement to the foregoing, taken from the Provincial Memorials in England, and not entered in the Generals' Register.—Stonyhurst College MSS., A, v. 1, f. 35^{v}:—

No. 6, Z *bis*. **1651, April 8.**

The General Piccolomini to Francis Foster, Provincial. *Neither missions, nor colleges, nor houses of probation, are capable of contracting civilly an obligation to serve a place; but they can contract a moral obligation on the ground of charity, or of a promise, or by order of the General, etc. Cf. infra,* No. 55.

De contracto civili ad missiones non faciendo. Ex litteris R. P. N. Piccolominei: 8 April. 1651.

Significavi alias missiones non esse capaces bonorum stabilium seu

redituum : adjungere nunc debeo nec ipsa collegia aut domus esse capacia obligationum civilium ex contractu ad ejusmodi missiones ; sed solum ex charitate, fidelitate, seu mandato Praepositi Generalis, &c. V. R^a^ dum visitabit Provinciam diligenter examinet quae et quales sint obligationes ad missiones in domiciliis nostris, et ad me referat ut sanari possit [*possint ?*].

No. 6, A². **1650, August 20.**

The General Piccolomini to Philip Fisher, Maryland. *Loss of last year's letters from Maryland. Review of the information in the latest letter, with commendations: the new Governor and his good will; all cause of offence to be avoided; a Protestant minister unable to impede conversions; the school opened by the other Father. Good wishes.*

Marilandiam, P. Philippo Fishero.

Anno superiore nullae R. V. litterae comparuerunt, seu naufragio illae perierint, seu alia via interciderint. Porro ex iis, quas 14 februarii anni currentis huc destinavit, libenter intellexi quem cursum res catholica in Marilandia teneat. Deus conatus bonos fortunare velit et fructus speratos largiri ! R. V. cum socio, quoad fieri potest, novi gubernatoris benevolentiam conciliare studeat et conservare, ne quid inde obstaculi gloriae Dei et proximorum saluti ponatur. Illud omnino curandum ne justae illi detur ansa offensionis. Non vulgari me perfudit voluptate orthodoxorum constantia et heterodoxorum conversio, frustra oblatrante et adnitente ministello haeretico. Nec dubito scholas a socio patre apertas operae pretium laturas.

Denique tempestatem concitatam tam feliciter posuisse et R. V. ex tam gravi diuturnoque morbo convalescere plurimum laetor, ut tanto majori fervore divino servitio, Indorum populariumque saluti se possit impendere ; ad quod R. V. socioque (quem plurimum meis verbis salvere jubebit) vires gratiamque uberem coelitus precatus, me SS. utriusque Sacrificiis impense commendo. 20 augusti 1650.

No. 6, B². **1650, December 24.**

The General Piccolomini to Francis Foster, Provincial, Brussels. *A general decision on the possible application of legacies, etc., by title to a college, but with the usufruct for the service of the Province at large. This decision extends to Maryland, etc.*

Bruxellas, P. Francisco Fostero Provinciali.

¶ . . . Ad dubia porro proposita sic breviter respondeo : posse

legatum Domini Evens et alia ejus generis ad censum elocari, collegioque certo applicari cum onere ex praecepto meo census annuos sive fructus Praeposito Provinciali ad usus provinciae pendendos [*di*], prout ille in Domino judicaverit, atque necessitas postulaverit, ita ut administratio et dominium penes collegium sit, fructibus tamen sine mea aut Provincialis licentia non gaudeat, sed, ut dixi, in usum provinciae convertantur ex nostro praecepto.

Responsio generalis de applicatione bonorum pro missionibus.

Idem esto judicium de missione Marilandica, aliisque, si quid divina bonitas et benefactorum liberalitas obtulerit. ¶ . . . 24 decembris 1650.

Missio Marilandica.

No. 6, C². **1651, September 16.**

The Vicar-General, Goswin Nickel, to Philip Fisher, Superior, Maryland. *Congratulations and encouragement.*

In Marilandiam, P. Philippo Fishero Superiori.

Versus est interea in luctum chorus noster, dum R. V. faustas precationes gratulationesque depromit; placuit enim divinae Providentiae 17 die mensis junii proxime elapsi ad se P. Piccolomineum evocare, et coronare virtutem servi sui fidelis, cujus animam R. V. Sacrificiis pro more Societatis commendo. Caeterum libenter intellexi ad s. matris ecclesiae gremium aliquamultos rediisse, et messem copiosam uberes spondere fructus, si per operariorum paucitatem colligi possent. Utinam suppeteret copia eorum, ut in partem laborum complures venirent. Et, cum aliud non occurrat, me SS. R. V. Sacrificiis precibusque enixe commendo. 16 septembris 1651.

No. 6, D². **1652, December 14.**

The General, Goswin Nickel, to Francis Foster, Provincial, London. *The death of Fisher, or Copley. Provide Father Lawrence Starkey with a companion.*

Londinum, P. Francisco Fostero Provinciali.

¶¶ . . . P. Laurentio Starchaeo solatium et socium addat R. V. loco defuncti. ¶ . . . 14 decembris 1652.

No. 6, E². **1652, December 14.**

The General Nickel to Lawrence Starkey, or Sankey, Maryland. *Condolence. To him and his next companion in the Mission the General conveys all manner of encouragement, in the midst of the new legislation and disturbances.*

In Marilandiam, P. Laurentio Starchaeo.

Versum in luctum chorum vestrum intelligo e 24 aprilis datis. At vertetur in chorum luctus vester. Sic reciprocantur ista, quae aeterna non sunt. Scripsi P. Provinciali ut provideat de solatio et socio R.ae V.ae; cui ego, inter novas illas leges ac turbamenta, ingentes pro antiqua Dei lege animos precor; simulque me in sanctissimis R.ae V.ae Sacrificiis valde commendo. 14 decembris 1652.

No. 6, F². **1654, October 10.**

The General Nickel to Lawrence Sankey, Maryland. *Encouragement. His proposal to have young men of the Order sent over, for the more ready acquisition of the* (Indian) *language, may be suggested to the Provincial.*

In Marilandiam, P. Laurentio Sanchaeo.

Cum magno meo solatio accepi quod R. V. cum suo socio tam strenue istam Domini vineam colat. Fructus, non dubito, respondebit operae, et certa merces quam Dominus clementissime largietur. Consilium eo mittendi juniores, qui linguam patriae facilius addiscant, suggerat P. Provinciali. Divina Bonitas ubere gratia et solatio perfundat R. V. ejusque socium. Utriusque SS. Sacrificiis et precibus enixe me commendo. 10 octobris 1654.

No. 6, G². **1655, November 20.**

The General Nickel to Edward Knott, Provincial. *The persecution in Maryland, and the injury done to the Catholic cause.*

P. Odoardo Knotto Provinciali.

¶¶ . . . Quod patres nostri in Marilandia persecutionem patiuntur propter justitiam, sunt beati et ipsorum est regnum coelorum, aeternae veritatis testimonio ac promisso. Tamen vehe- Marilandia.
menter doleo, quod ex illa persecutione magnum illic detrimentum patitur religio catholica. Confido futuram misericordi Domino curae causam suam. ¶ . . . 20 novembris 1655.

No. 6, H². **1655, November 20.**

The General Nickel to Lawrence Sankey, Virginia. *Comfort in the persecution. Condolence at the losses suffered by the Catholic religion. The hopes of better times.*

In Verginiam, P. Laurentio Sanchaeo.

Quae R. V. ex Verginia ineunte julio ad me dedit, nunc accipio. De persecutione, quam nunciant vos esse passos in Marilandia a fidei hostibus, debeo gratulari. Beatos illa vos facit, et vestri juris regnum coelorum. Illud vero vehementer doleo quod religioni catholicae tantum infertur detrimentum. Caeterum me solatur quod addit in fine literarum, spem affulgere conversionis rerum et restitutionis in pristinum statum. Deum precor ut ita fiat atque ut vos servet incolumes in multarum animarum salutem. Commendo. 20 novembris 1655.

No. 6, J². **1655, November 27.**

The General Nickel to Edward Knott, Provincial. *Qualifications required for Indian missions in a brother-coadjutor, Thomas Bradford.*

P. Odoardo Knotto Provinciali.

Th. Bradfordus. ¶¶ . . . Thomas Bradfordus moneatur ut humilitate et parendi promptitudine aliisque solidis virtutibus se praestet idoneum ad missiones Indicas. ¶¶ . . . 27 novembris 1655.

No. 6, K². **1655, December 25.**

The General Nickel to George Gray, Provincial's secretary. *Disqualifications of the said brother, Thomas Bradford, for the Indian missions: insincerity and levity of character.*

P. Georgio Graio S[*ocio*] P[*rovincialis*].

Zelus quo Thomas Bradfordus se offert ad missiones Indicas non videtur esse satis sincerus, adeoque nec ipse valde ad illas idoneus. Thomas Bradfordus. Tamen communicet ipsius desideria cum P. Provinciali qui, si putabit mittendum in Marilandiam, per me licet mittat. Sed patribus qui illic sunt valde commendet ut ipsi diligenter attendant, ipsumque in spiritu juvent, ne, quem parum solidum videtur habere, penitus illic amittat. ¶ . . . 25 decembris 1655.

No. 6, L². **1657, February 24.**

The General Nickel to Richard Barton, Provincial. *Thomas Bradford to be stopped at Cadiz, if he appears there, and to be sent back to his Province, or else dismissed.*

P. Richardo Bartono Provinciali.

¶¶ . . . De Thoma Bradfordo, habita deliberatione cum PP. Assistentibus, visum est ita statuere. Mandabimus Provinciali Baeticae et Rectori Collegii Gaditani ut, si eo veniat, retrahatur ad aliquod collegium, et suadeatur illi ut quamprimum redeat ad suam Provinciam et, si non obtemperet, ut dimittatur. Commendo etc. 24 februarii 1657. Thomas Bradfordus.

No. 6, M². **1657, July 21.**

The General Nickel to Richard Barton, Provincial. *Bradford's misfortune is what he deserved. Perhaps it will bring him to a sense of obedience. Expression of compassion.*

P. Richardo Bartono Provinciali.

Debet sibi imputare Thomas Bradfordus infelicem suam sortem, quam tamen confido illi cessuram ad salutem. Poterit certe a jugo servitutis Turcicae promptior redire ad suave jugum Christi, et promptitudine ad omnia eluere maculam suae inobedientiae. Interim miseret me illius et hortor R. V. ut, quod scribit se facere, det operam ad illum quam citissime extrahendum ex ista calamitate. ¶ . . . 21 julii 1657. De Th. Bradfordo.

No. 6, N². **1657, September 22.**

The General Nickel to Richard Barton, Provincial. *Has received a pitiful letter, dated Tunis, from Thomas Bradford, captive among the Turks, begging to be kept in the Society and to be delivered from slavery. The General's commiseration; the means to extricate him.*

P. Richardo Bartono Provinciali.

¶ . . . Jam accipio literas a Thoma Bradfordo datas Tunesi 5 junii,[1] quibus describit miserandam suam captivitatem, et instantissime rogat retineri in Societate. Hortatus sum R. V. 21 julii ut, quod ultro scripserat se facere, daret operam ad illum quam citissime extrahendum ex ista calamitate. Iterum hortor, nec erit forte difficile, si curaverit illi fidem publicam quod sit Anglus; nam ad me scribit Anglos ex conventione nuper facta liberos esse, nec posse detineri in captivitate aut servitute. Interim ipse eluerit admissam culpam; adeoque dignus videtur gratia quam petit. Commendo &c. 22 septembris 1657. Thomas Bradford.

[1] *Stonyhurst MSS.*, Anglia A, vi., pp. 465–468. *The letter of Bradford begins by stating that he was ordered to Maryland by way of passing to the Indies.*

No. 6, O². **1657, October 6.**

The General Nickel to Richard Barton, Provincial. *Bradford's lamentations and necessities; ways and means to liberate him.*

P. Richardo Bartono Provinciali.

Proxime commendavi R. V. fratrem nostrum Thomam Bradfordum et significavi modum ab eodem mihi suggestum pro sua liberatione, nimirum ut curaretur fides publica, qua constaret ipsum esse Anglum. Nunc accipio ab illo alias literas multo recentiores datas 26 augusti, quibus exhibet eandem suam calamitatem et petit juvari aliqua eleemosyna pro sua redemptione. Quare iterum illum commendo paternae curae et caritati R. V. Interim tentabo num possim invenire rationem aliquam ipsum juvandi, sive gratia equitum Melitensium sive aliter. De caetero R.V. sit constanter memor mei in SS. Sacrificiis. 6 octobris 1657.

Thomas Bradford.

No. 6, P². **1660, October 2.**

The General Nickel to Edward Courtney, Provincial. *Only one Jesuit priest in the Maryland Mission. Remedy the deficiency.*

P. Eduardo Courtenaeo Provinciali.

¶ . . . Similiter intelligo in nostris in Anglia zelum desiderari ad adeundas et excolendas partes septentrionales; ac demum in missione Marilandiae unicum esse sacerdotem nostrum. Confido his incommodis opportuna ratione prospiciendum a R. V^a, cujus de caetero SS. SS. me plurimum commendo. 2 Octobris 1660.

No. 6, Q². **1660, December 4.**

The General Nickel to Edward Courtney, Provincial. *Satisfied on the points mentioned in the foregoing.*

P. Eduardo Courtenaeo Provinciali.

De missione Marilandica et de sociis in partibus Angliae septentrionalibus satisfactum mihi est a R. V^a, cujus etiam testimonio de vigore studiorum in collegio Leodiensi habeo plenam fidem. ¶¶ . . . 4 decembris 1660.

Marilandia. Anglia septentrionalis.

No. 6, R². **1662, April 1.**

The (General Nickel) Vicar-General cum jure successionis, John Paul Oliva, to Edward Courtney, Provincial. *Directions on*

the manner of treating Maryland affairs with the General; the advice of provincial councillors to be taken before reporting.

Londinum, P. Eduardo Courtenaeo Provinciali.

Quae R. V. de Marilandica missione proposuit expendat prius cum consultoribus et ad me referat quid sentiant, ut demum ego quoque de illa cum meis deliberem ; id quod in aliis etiam servandum erit, cum deliberatio majoris est momenti. Videat R. V. num possit huc mittere famosum libellum ibi editum contra Societatem, ut audio. ¶ . . . 1 aprilis 1662. Missio Mariland.

No. 6, S². **1662, May 20.**

The (General Nickel) Vicar-General Oliva to Edward Courtney, Provincial. *Allows a Father of the third year of probation to be sent to Maryland. The best manner of drawing up Annual Letters.—Cf.* History, I. Introduction, Chap. II. § 2, p. 51.

P. Eduardo Courtenaeo Provinciali.

Gratulor Marilandicis rebus, et patrem e 3º anno ad illas adjuvandas destinatum lubens concedo. P. e 3º anno.

¶¶ . . . Annuae litterae ab Austriaca provincia ad Congregationem de Propaganda Fide missae magno cum plausu acceptae sunt, eo etiam ex capite quod non universe tantum sit expressus numerus conversorum ad fidem, verum distribute: tot in tali urbe, tot in missione tali, tot in alio districtu. Optarem ita id fieri a vobis quoque. Nam licet personas nominare provinciae forte non expediat, possunt tamen exprimi provinciae, districtus, etc. Ita res fidem facilius impetrabit. Expecto ut ita fiat ; et tum illas reddemus potius quam has, quae bonae quidem sunt, sed illae erunt meliores. Me sanctis R^ae. V^ae. Sacrificiis impense commendo. Romae, 20 maii 1662. Annuae.

No. 6, T². **1662, September 20.**

The (General Nickel) Vicar-General Oliva to Edward Courtney, Provincial. *He refers the whole question of abolishing the Maryland Jesuit Mission to the discretion of the Provincial and his councillors.*

P. Eduardo Courtnaeo Provinciali.

Quae de Marilandicae missionis omittendae, nisi aliter prospicitur, consilio scribit R^a. V^a, committo R^ae. V^ae atque consultorum arbitrio. ¶ . . . 20 septembris 1662. Missio Mariland.

No. 6, U². **1662, November 11.**

The (General Nickel) Vicar-General Oliva to Edward Courtney, Provincial. *Thomas Bradford's desires for a change from Naples to England on account of health. Conditions on which any subsidy from the Propaganda may be received.*

P. Odoardo Courtnaeo Provinciali.

Thomas Bradfordus Anglus coadjutor, judicio etiam medicorum, Neapolitanum coelum valetudini suae adversum experitur, et desiderat redire in Angliam. Non erit gravis provinciae pro viatico. R. V. mihi significet quid sentiat, num sit eo mittendus.

Thomas Bradford.

¶ . . . [*Si pro missione Marilandiae offerat aliquid Congregatio de Propaganda Fide, ita ut id quod offertur detur in communi, non vero ad alendum aliquos istic missionarios in particulari cum aliquo incommodo obedientiae juxta institutum nostrum—deleted.*] Si Ill^mus D. Internuncius Bruxellensis egerit cum R. V. de subsidio aliquo seu pensione solvenda a Sacra Congregatione de Propaganda Fide ad alendos nostros missionarios in Marilandia, R. V. id admittat cum humillima gratiarum actione, dummodo offeratur pro missionariis in genere, non in particulari, nec a particularibus exigatur aliquid praeter nostrum institutum. 11 novembris 1662.

Oblatio pro Missione Marilandica.

No. 6, V². **1663, January 27.**

The (General Nickel) Vicar-General Oliva to Edward Courtney, Provincial. *Send Father Henry Pellam to Loretto. Thomas Bradford.*

P. Odoardo Courtenaeo Provinciali.

Si P. Henricus Pellamus nullum vel valetudinis vel aliud impedimentum habeat, veniat Lauretum in nomine Domini. De Thoma Bradfort, an cum patre Mannerio ire possit in Belgium, videbimus. ¶ . . . 27 januarii 1663.

P. Pellamus.

No. 6, W². **1667, February 5.**

The General Oliva to John Clarke, Provincial. *The reasons advanced for dissolving the Maryland Mission are grave. But propose the question in the next Provincial Congregation, and report the opinions.*

P. Joanni Clarco Provinciali.

¶ . . . Pro Marilandica missione tollenda causae, quas R. V^a affert, sunt graves ac dignae expendi. Sed, quia res illa tanti momenti est, oportet me audire plurium sententias; id quod optime fiet, si deliberatio illa proponatur in proxima vestra Congregatione provinciali quae in utramque partem disquirat momenta rationum, et huc referat. ¶ . . . 5 februarii 1667. Mariland.

No. 6, X^2. **1669, June 15.**

The General Oliva to Joseph Simeon, (*Provincial*). *Allows some Fathers intended for the third year of probation to be sent to Maryland after a month's spiritual retreat. The Superior in Maryland not vested with power to admit lay-brothers into the Society.*

Londinum, P. Josepho Simonis.

Licet R.V^{ne} differre in annum sequentem tertiam nostrorum probationem; atque illud etiam permitto ut loco illius probationis mittere aliquos in Marilandiam possit, qui a virtute satis ad hoc opus instructi videantur; ita tamen ut prius sacris commentationibus per mensem exerceantur. Non videtur autem superiori ejus missionis concedendum, ut admittere in Societatem nostram possit coadjutores temporales. Praestat enim a R.V^a aliquos submitti, vel, si id fieri non possit, externorum opera ad curandas res temporales uti jubeatur. ¶ . . . 15 junii 1669.

No. 6, Y^2. **1670, March 19.**

The General Oliva to Joseph Simeon, Provincial. *All spiritual suffrages accorded to missionaries dying in England are due also to those dying in Maryland.*

P. Josepho Simonis Provinciali.

¶¶ . . . Qui moriuntur in missione Angliae gaudent, ut audio, per totam provinciam Sacrificio et corona una super numerum a regula praescriptum; neque ego id improbo. Sed enim iis, qui in Marilandica missione diem obeunt, haud minus tribuendum aliqui existimant; nec immerito, cum haec missio sit haud paulo difficilior. ¶ . . . 19 martii 1670.

No. 6, Z^2. **1670, April 5.**

The General Oliva to Joseph Simeon, Provincial. *The power granted for one year of sending Fathers to Maryland without*

the third year of probation, but after one month's spiritual retreat.

P. Josepho Simonis Provinciali.

Ut missioni Marilandicae consulatur, poterit R. V^a aliquos eo mittere finitis studiis, etsi tertia probatione defuncti non si[*n*]t; ipsam enim missionem et longinquam profectionem 3^ae probationis loco habebo. Verum hanc facultatem anni unius spatio circumscribo. Praeterea pervelim ut, antequam iter ingrediantur, spiritualibus primum exercitiis iisque productioribus ad hanc expeditionem praeparentur. Haec ad literas R. V. sub exitum februarii datas; meque SS. ejus Sacrificiis impense commendo. 5 aprilis 1670.

No. 6, A³. **1672, November 12.**

The General Oliva to George Gray, Provincial. *Father Matthew Mildmay can be sent to Maryland without undergoing the third year of probation, if his virtue warrants it.*

P. Georgio Graio Provinciali.

¶¶ . . . Cui [*R^ae V^ae*] interea permitto ut P. Matthaeum Mylmaeum, si is est cujus virtuti merito fidi possit, tertiae probationis loco in Marilandiam mittat. ¶ . . . 12 novembris 1672.

No. 6, B³. **1675, April 1.**

The General Oliva to Richard Strange, Provincial. *Permission to let a coadjutor-brother make his novitiate in Maryland.*

P. Richardo Strangio Provinciali.

¶¶ . . . Permitto deinde ut coadjutor ille in ipsa Marilandia possit novitiatum agere sub aliquo magistro a R. V^a assignato. ¶ . . . 1 aprilis 1675.

No. 6, C³. **1675, May 4.**

The General Oliva to Richard Strange, Provincial. *Dispenses a volunteer for the Maryland Mission from the third year of probation; and also a companion; provided conditions of adequate virtue are fulfilled.*

P. Richardo Strangio Provinciali.

Habeo quas R. V^a dedit 5 martii, et concedo ut is, qui se obtulit ad missionem Marilandicam, eo mitti possit citra aliam probationem; erit enim haec ipsa missio vice 3^ae probationis. Idem de socio

dictum sit, si quis se offerat, dum tamen hi a virtute sic instructi sint ut toto [*tuto ?*] ipsis committi haec provincia possit. ¶¶ . . . 4 maii 1675.

No. 6, D³. **1676, August 15.**

The General Oliva to Thomas Mumford, Rector, London. *Message of congratulation to Father Henry Pellam on his return from Maryland.*

Londinum, P. Thomae Mumfordo R[*ectori*].

¶¶ . . . Gratuletur R. V^a^ meis verbis P. Henrico Bellam [*Pellam*] suum e Marilandia reditum et exactos in ea missione labores. Spero P. Provincialis providentiam illi neutiquam defuturam. . . . 15 augusti 1676.

No. 6, E³. **1676, October 24.**

The General Oliva to Richard Strange, Provincial. *Charge against the Maryland missionaries, that they attend to temporal more than to spiritual interests.*

P. Richardo Strangio Provinciali.

¶¶ . . . In Marilandia dicuntur nostri deesse suo muneri, ac temporalia magis quam spiritualia lucra quaerere. Spero autem R. V^am^ interea loci prospexisse de remedio. ¶¶ . . . 24 octobris 1676.

No. 6, F³. **1679, September 2.**

The General Oliva to John Warner, Vice-Provincial, appointing him Provincial in place of the martyr, Thomas Harcourt. *Agrees with him in considering it necessary to dismiss the Maryland missionary, Nicholas Gulick.*

P. Joanni Warnero Vice-Provinciali.

Aequa tum R. V^ae^ tum consultorum, qui una scripserunt, postulatio fuit, P. Thomae Harcotto, qui praefecturam suam non usitata felicitate conclusit rerumque bene gestarum praemio jam nunc potitur, successorem dari optantium. . . . ¶¶ . . . P. Nicolaum Gulick ego quoque dimittendum censeo; meque SS. R. V^ae^ Sacrificiis impense commendo. 2 septembris 1679.

No. 6, G³. **1682, December 19.**

The General Charles de Noyelle to Father Thomas Percy, Maryland. *Commendation of his zeal and devotion. Encouragement in his high aspirations.*

In Mariaelandiam, P. Thomae Percy.

Gratulor R. V. arduam licet, sed gloriosam et apostolico suo zelo exercendo accommodam provinciam, quam ipsi et nationi illi proficuam et maxime salutarem cupio; atque ut sit coelestem benedictionem R. V^ae advoco et liberaliter impertior. Ut vero solatium quoque ex longa navigatione, in qua Sacrificium Deo offerre non licuit, habeat, trecentis iterum Sacrificiis ex proprio ipsam dono, omnemque inde consolationem eidem accedere et evenire desidero. Glorifico deinde Deum in sanctis suis, ac martyrum nostrorum sanguinem toti orbi christiano conspicuum aliquando fore spero; quorum memoria, sicut et caetera apostolicorum virorum virtute, interea summopere delector. Quae cum R. V^ae communis sit, ipsam quoque mei in laboribus ac SS. Sacrificiis suis apud Deum memorem esse postulo. 19 decembris 1682.

No. 6, H³. **1683, March 27.**

The General De Noyelle to John Warner, Provincial. *A letter to be forwarded to Father Thomas Percy. Approbation of the* (New York) *mission to be founded by Father Thomas Harvey.*

P. Joanni Warnero Provinciali.

Accepi brevem provinciae catalogum terno exemplari submissum a R. V^a, quem nos exspectare non ita pridem significaveram. Remitto nunc literas ad P. Thomam Perceum scriptas, quas suo tempore reddi curabit; ac non solum probo novae expeditioni P. Thomam Harvaeum destinari, sed R. V^ae circumspectionem in illo concedendo laudo. ¶ . . . 27 martii 1683.

No. 6, J³. **1683, June 5.**

The General De Noyelle to John Warner, Provincial. *Thomas Percy's unauthorized return from Maryland, abandoning his post. His previous indiscretion. The irregularity not to be allowed to pass with impunity.*

P. Joanni Warnero Provinciali.

Redditae fuerunt literae R. V. 7 et 23 aprilis scriptae. Prioribus mortem nunciat P. Vavasori et reditum P. Thomae Percaei

ex Marilandica missione. Illum consuetis suffragiis prosecuti sumus. Huic non debet abire impunis reditus ille et deserta statio, tanto magis quod ob indiscretum et immoderatum zelum illius periculum aliquod sociis timendum; itaque prudenter illum in continentem revocare statuit. ¶¶ . . . 5 junii 1683.

No. 6, K³. **1683, September 18.**

The General De Noyelle to John Keynes, Provincial. *Objects to a candidate in Maryland making his novitiate there. Still will allow of it, if there is a master of novices competent. Otherwise, without regard to expense, let the candidate be called over to Europe.* (*Apparently Robert Brooke; cf.* No. 42, p. 224.)

P. Joanni Keynesio Provinciali.

Quamvis optassem potius ut posthabitis itineris faciendi sumptibus ad tirocinium nostrum mittatur, qui in missione Marilandica ob naturae dotes dignus videretur ut in Societatem recipiatur, facio tamen potestatem illum admittendi, si quis sit in missione ista, qui spiritualibus hominem exercitationibus excolere et ad instituti nostri rationem efformare eundem possit. Quod si non esset, alterum sane praeferendum erit, ut admissus in consueto nobis loco tirocinium ponat. ¶ . . . 18 septembris 1683.

No. 6, L³. **1683, December 18.**

The General De Noyelle to Francis Eure, Rector, Ghent. *On the extravagant behaviour of Father Thomas Percy.*

Gandavum, P. Francisco Euerio Rectori.

Habeo R. V. et P. Guilielmi Mumfordi literas nullo loci et temporis signo notatas. Utraeque memorant P. Thomae Percaei extravagantem et a nostra consuetudine alienum agendi modum; et quoniam desperata videntur de eo ad saniorem mentem reducendo consilia, aliud remedium nobis non superest, quam ut velut mentis inops habeatur tracteturque. Illud tamen gratum fuit intelligere, illius intemperiem aliorum virtuti non tantum non obfuisse, sed ad perfectionem exaggerandam incitamento extitisse. Ad R. V^am^ spectabit porro hunc in caeteris fervorem conservare atque amplificare. Nunc ipsam una cum laudato P. Guilielmo amantissime saluto et me SS. utriusque Sacrificiis commendo. 18 decembris 1683.

No. 6, M³. **1683, December 18.**

The General De Noyelle to John Keynes, Provincial. *The case of Thomas Percy, intractable, and possibly deranged. It appears that symptoms of extravagance had been noticed in him before his admission into the Society.*

P. Joanni Keynesio Provinciali.

Quae R. V^a^ memorat de P. Thomae Percaei intemperie, cum non nisi mentis debilitati ac fortassis etiam illusioni attribuere possimus, nequeo alia de eo vel emendando vel ad saniorem mentem revocando consilia suggere[*re*], quam quae amentibus adhiberi consuevere; siquidem graviora ab homine incommoda timere debeamus, si illum a nobis liberum pronunciemus. Itaque includendus erit, et vel hac ratione probandus, an ad leges nostras spiritumque, qui caeteris probetur, revocari accommodarique queat. Franget ista ratio superbiam illius et, uti spes est, tractabilem reddet. Interim observo quanti intersit in suscipiendis delectum habere, et non obiter inclinationes naturae inspicere. Intelligo enim illum, antequam susciperetur, jam ejusmodi signa praesetulisse, ex quibus, quae secuta fuere, probabiliter timere aut colligere licebat. Sed nunc illum R. V^ae^ prudentiae permitto; et me SS. ejus Sacrificiis impense commendo. 18 decembris 1683.

No. 6, N³. **1684, January 22.**

The General De Noyelle to John Warner, Rector, St. Omer. *It may be more advisable to retain Thomas Percy in the Society.*

Audomarum P. Joanni Warnero Rectori.

¶¶ . . . P. Thomam Percaeum reliqui in potestate P. Provincialis; illi R. V^a^ consilio suo adsit, ut in hac ipsa sententia, nimirum magis e re nostra quoque fore si hominem in Societate retineamus, persistat. . . . 22 januarii 1684.

No. 6, O³. **1684, February 19.**

The General De Noyelle to John Keynes, Provincial. *The case of Thomas Percy seems desperate.*

P. Joanni Keynesio Provinciali.

¶¶ . . . Faveo gratiae et existimationi P. Spenseri, quam apud Serenissimum Ducem obtinet, optoque ut ad rei catholicae et publicum regni incrementum cedat. Sed P. Percaeum commiseratione dignum video, quando eousque processit malum ipsius ut rectae mentis compos non

esse videatur. Uti autem nihil in eo curando praetermittet, ita nec mei in SS. suis Sacrificiis immemor erit. 19 februarii 1684.

No. 6, P³. **1684, March 4.**

The General De Noyelle to John Clare Warner, (*Procurator*), Paris. *Commendation of his desire for the mission of Maryland. Resignation of mind to be practised under obedience.*

Parisios, P. Joanni Claro Warner.

Delector quidem plurimum desiderio R. V^ae, quo missionem Marilandicam sibi deposcit, guadeoque vires tam firmas esse, quae illius incommoda ferre posse videantur. Sed nec minus grata Deo voluntas ista est, quae tamen non alio quam obedientiae ductu ad propositum nobis finem feretur, praemiumque reportabit, sive re ipsa obtinuerimus quod incenso animo desideramus, sive non. ¶¶ . . . 4 martii 1684.

No. 6, Q³. **1684, July 22.**

The General De Noyelle to John Keynes, Provincial. *Inquires if an expedition is to be undertaken to Jamaica, as some one has intimated.*

P. Joanni Keynesio Provinciali.

¶¶ . . . Ad extremum cupio informari, an in insulam Jamaicam suscipienda a nobis expeditio atque isthic missio instituenda videatur? Est enim qui se expeti dicat, et operae pretium fore existimat, si talis missio suscipiatur. Hisce me SS. R. V^ae Sacrificiis plurimum commendo. 22 julii 1684.

No. 6, R³. **1684, August 12.**

The General De Noyelle to Francis Eure, Rector, Ghent. *Percy's case: sympathy.*

Gandavum, P. Francisco Euerio Rectori.

¶¶ . . . Patris Percaei commiseratione teneor et propria ipsius causa et vestra etiam, quod haud angustum patientiae exercendae campum praebeat; cui tamen, cum aliud nobis non supersit remedium, saniorem mentem opto. . . . 12 augusti 1684.

No. 6, S³. **1684, September 23.**

The General De Noyelle to Anthony Lucas, Rector, Watten (*novitiate*). *On Robert Stephens' desire for the foreign missions. The General enters the novice's name among those of volunteers.*

Wattenas, P. Antonio Lucae R[*ectori*].

Placet quidem quod Roberti Stephani spiritum et ad transmarinas nationes vocationem probare studuerit R. V^a^, confirmaritque impensiore solito fervore illum ad ejusmodi missionem se disponere. Unde eum refero in album eorum, qui missioni Indicae votis se ac desideriis jam consecrarunt. Utilis autem ac necessaria erit ista quoque virtus, sive Anglicae missioni, sive Indicae ad Angliam tamen spectanti adhibeatur. Itaque illum constanti studio pergere velim; sed R. V^am^ mei in SS. suis Sacrificiis meminisse. 23 septembris 1684.

No. 6, T³. **1684, November 11.**

The General De Noyelle to John Keynes, (*Provincial*), London. *Kindly message and spiritual suffrages for the missionary now sent to Maryland.*

Londinum, Perillustri Viro Domino Joanni Keynesio.

¶ . . . Tribuo ex meis centum Sacrificia illi, qui in Marilandiam mittitur, et navigationis aliorumque impedimentorum causa propriis privatur; ac mei memoriam D. V^ae^ apud Deum pro more commendo. 11 novembris 1684.

No. 6, U³. **1685, January 13.**

The General De Noyelle to John Keynes, (*Provincial*), England. *His hopes of the* (New) *York and Maryland Missions. Regrets, however, that the missionary sent to one of them went only under constraint, and not willingly.* (*Apparently John Pennington.*)

In Angliam, Ill^ri^ Viro Domino Joanni Keynesio.

¶ . . . Opto etiam ut e missionibus [*Neo-*]Eboracensi et Marilandica fructum referant qui isthuc missi sunt, qualem tam ubere et propinqua spe concipimus. Quod fortassis futurum fuisset, si non imperio sed sponte sua seu propensa voluntate in alteram concessisset, qui provinciam istam suscepit. ¶ . . . 13 januarii 1685.

No. 6, V³. **1686, January 5.**

The General De Noyelle to (*Sir*) John Clare (*Warner*), Rector, Watten (*novitiate*). *On his assuming an office which will enable him to form the missionaries not only for Maryland, but for all England. On the baronet's daughter just professed in a convent.*

Wattenas, P. Joanni Clare R[*ectori*].

Gaudeo et gratulor R. V^am^ demandatum sibi munus suscepisse, quo non tantum Marilandiae, sed toti Angliae regno operam navare et de pluribus bene mereri poterit, eos nimirum socios educando et formando, qui insigni zelo et eximia virtute labores suos et studia ad plures olim provincias et regni partes proferent et salutem animorum operabuntur. Cupio autem amplissimum hoc dignissimumque munus ipsi ac nobis omnibus feliciter evenire, ad quod uberrimam e coelo benedictionem ipsi advoco et qua possum impertior. Gratulor ad extremum alterum R. V^ae^ solatium quod in consecrata Deo per professionem filia minore percepit; cui pariter constantem virtutis amorem cum plena coelestium consolationum ubertate imprecor, utque omnium in patria gaudium adimpleatur voveo ex animo. Sed et mei memoriam R. V^ae^ in SS. ipsius Sacrificiis plurimum commendo. 5 januarii 1686.

No. 6, W³. **1688, March 13.**

The General, Thyrsus Gonzalez, to John Keynes, (*Provincial*), London. *Vanity and self-conceit no qualifications for the American Missions; hence the offer of Father Baldi to be disregarded. On the Jesuits in England returning to community life* (under King James II.), *and wearing the religious garb of the Society inside the house.*

Londinum, Illustri Viro Joanni Keynesio.

¶ . . . De patre Baldi judico virum hunc ad missiones Americanas applicari non posse, nisi virtutes ad apostolicum ministerium necessarias melius Societati et mihi probaverit. Cum enim Deus superbis resistat et humilibus det gratiam, non puto instrumentum propagandae fidei et gloriae Dei aptum fore hominem non alio spiritu quam vana sui existimatione plenum. Interim videtur nonnemini tempus esse ut nostri in Anglia ac praesertim Londini degentes reducantur ad vitam communem una in domo, eadem mensa contenti, et Rege (ut putat) nihil contradicturo ad proprium Societatis vestitum domesticos intra parietes sese accommodent. Quod et ego quidem factum cum solatio intelligam, sed ut fiat sine R. V^ae^ informatione non praecipiam. ¶ . . . Romae, 13 martii 1688.

No. 6, X³. **1688, December 4.**

The General Gonzalez to John Keynes, (*Provincial*), London. *The Orange Revolution in England. The case of Nicholas Gulick in Maryland: to be dismissed at once from the Society, but preferably after recalling him to Europe.*

Londinum, Illustri viro Joanni Keynesio.

Accepi epistolam utramque, 22ª et 29ª octobris datam, qua R. Vª me edocet quo res nostrae nunc in Anglia sint loco, et quae a P. Nicolao Gulicki in missione Marilandica pessime agantur. De priori aliud, quid agendum, non occurrit, nisi ut Deum et orationibus et sacrificiis regno propitium reddamus, supplicemusque ut illud tam ab externis hostibus, quam ab internis seditionibus et tumultibus tueatur. De altero vero, quam vita P. Nicolai Societatis religioso est indigna, quamque scandalosa et perniciosa, tam illa mihi displicet; ac vehementer miror homini, omni virtute missionariis unice necessaria destituto, provinciam hanc apostolicam commissam. Longe tamen maxime doleo, eum cum tanto saecularium scandalo, ac Societatis aestimationis detrimento, tam diu fuisse toleratum, nulla, quam pridem dari opportuisset, ad me missa informatione. Unde, quod pridem expediebat oportebatque, R. Vª nunc exequatur, eumque e Societate dimittat. Et, si quidem spes sit eum, si vocetur, in Europam rediturum, expediet illum revocari, dissimulatis interim itineris suscipiendi causis; sin minus, dimittendus erit in eo, in quo morabitur, loco; et quidem quam fieri poterit proxime, ne ex tardiore medicina vis mali augeatur. Atque hisce me R. Vªe SS. SS. plurimum commendo. Romae, 4 decembris 1688.

De statu Angliae, etc.

De P. Nicolao Gulicki pessime se gerente in missione Curlandiae [!].

Dimittatur.

No. 6, Y³. **1689, March 26.**

The General Gonzalez to John Keynes, Provincial. *Permission granted Robert Brooke to divest himself of his property in favour of the Maryland Mission.*

P. Joanni Keynesio Provinciali.

¶¶ . . . Quod R. V. de Roberto Brooko scribit, annuo postulatis, ut suis videlicet se bonis abdicare valeat eaque missioni Marilandiae applicare. R. Vª valetudinem suam conservet augeatque, in SS. SS. suis mei memor. Romae, 26 martii 1689.

Robertus Brooko [!].

Henceforth in the drafts the date is prefixed, with the name of the addressee.

No. 6, Z². **1691, February 17.**

The General Gonzalez to John Clare, Provincial. *Objects to the admission of novices in these difficult times. On the candidate, George Thorold. The native aspirants being many, foreigners are to be refused.*

P. Joanni Clare Provinciali. 17 februarii 1691.

¶ . . . De nobili illo juvene 30 fere annorum pariter poteram edoceri, antequam ad tyrocinium admitteretur; neque enim credam periculum fuisse in mora. Alterum vero candidatum D. Georgium Thorold non judico hoc tempore ad tyrocinium hujus provinciae admittendum; permitto tamen ut, si quem alterius provinciae praesidem R. V^a^ repererit, qui eum ad novitiatum recipere atque retinere velit, quoad meliora tempora redierint, admitti possit. Hoc ipsum ad illius litteras, quas nuperrime ad me dedit, hodie rescribo.[2]

De admissis ad tyrocinium: juvene.

D. Georgius Thorold.

Porro cum tot sint nationis Anglicanae juvenes selecti, qui Societatem tam ardenter ambiant, non video cur admodum R. D. Matthaeus Herm. Beex in hac provincia unquam sit admittendus, cum missionibus Anglicanis ob idiomatis dialectum nunquam satis idoneus sit futurus. . . .

No. 6, A⁴. **1694, July 24.**

The General Gonzalez to George Calvert, scholastic, Liège. *On his asking to be dispensed from his vows and dismissed.*

Leodium, Georgio Calvert (physico). 24 julii [*1694*].

Datis 22 junii a me petis manumitti. Nihil intellexi de hoc tuo postulato, sive ab aliis istic superioribus tuis, cum quibus te egisse scribis, sive ab ipso praeside provinciae, a quibus tamen me doceri oportuisset. Dum itaque de hoc scribo ad P. Provincialem, negotium summi momenti, a quo pendet salus aeterna, Deo commendes velim assiduis ardentibusque precibus, atque animum componas ad praestandum quam Deo sacramento dixisti fidem. Causae enim, quas attulisti, haud tales sunt quae, si serio volueris, emendari non possint. Vale, in precibus tuis mei quoque memor. Romae.

Petit dimissionem.

No. 6, B⁴. **1694, July 24.**

The General Gonzalez to William Monford, Provincial. *On George Calvert's petition to be dismissed.*

P. Guilielmo Monford Provinciali. 24 julii 1694.

Georgius Calvert Leodio ad me scripsit, petiitque manumitti. Causae, quas affert, mihi equidem haud tales videntur, quae, si serio voluerit, emendari non possint. Unde cupio a R. V. doceri, quid sentiat de illius postulato; et, si quidem judicaverit expedire ut voti sui compos fiat, transmittat mihi unà informationem pro ejus dimissione. His me SS. etc. Romae.

Georgius Calvert: dimissionem.

[2] *The letter to G. Thorold is not entered in the Register.*

No. 6, C⁴. **1694, July 31.**

The General Gonzalez to William Monford, Provincial. *Acceding to the opinion of the Provincial in favour of dismissing George Calvert.*

Clarissimo Viro Guilielmo Monford (Provinciali). 31 julii 1694.

Mittantur Antuerpiam ad Procuratorem Angl. Georg. Calvert dimittatur.

Accepi ambas, quas D. V. 22 et 26 junii ad me exarabat. Cum D. V. judicet consultum ut Georgius Calvert exaudiatur, scribo hodie ad praesidem Leodiensem ut eum quamprimum manumittat. Conficiat D. V^a^ nihilominus solitam de eo informationem, eamque commoda occasione mihi transmittat, ut hic in eventus futuros servari possit.

¶¶ . . .

No. 6, D⁴. **1694, July 31.**

The General Gonzalez to John Persall, Rector, Liège. *All agreeing that George Calvert should be dismissed, and the Provincial being absent in England, let the Rector act at once in the case.*

Leodium, P. Joanni Persall Rectori. 31 julii 1694.

Ante octiduum Frater Georgius Calvert epistolam ad me dedit, eaque explicuit nonnulla quae patiatur incommoda et causas, ob quas petiit potestatem e Societate discedendi sibi fieri. De ejusdem Fratris Georgii indomitis passionibus, effraeni indole et malo inter nostros exemplo, praeses quoque provinciae, postremo hoc cursore, nonnulla ad me scripsit. Quibus omnibus consideratis, judico expedire ut voti ac postulati sui quam primum compos fiat. Unde cum dictus Frater modo in collegio istic degat, et Provincialis interea, uti non dubito, se in Angliam contulerit, cupio ut R. V^a^ res ipsius componat, si quae componendae sint, eumque, cum primum commode potuerit, manumittat. Scribo hodie ad P. quoque Provincialem, eumque de hac mente mea ad R. V. perscripta facio certiorem. ¶ . . . Romae.

Georg. Calvert dimittatur.

No. 6, E⁴. **1695, November 10.**

The General Gonzalez to William Hunter, Maryland. *Gratification at the zeal exhibited by the two missionaries; regrets that more men are not available. Will commend the mission to the Provincial's attention.*

Port Tabacco in Mary-Land. Clarissimo viro D. Guilelmo Huntero. 10 9bris 1695.[3]

Attulerunt mihi haud mediocre solatium simul et dolorem, quas D. V^a^ ad me scribebat 15 junii; solatium quidem, quod me certiorem reddant de ferventi D. V^ae^ ejusque socii studio et labore indefesso quem istic impendunt cum insigni honoris divini emolumento; dolorem vero, quod intelligam deesse sodales, qui necessarii forent, quique vos sublevarent, et non minus in privatum quam commune commodum multum afferrent utilitatis. Commendabo D. Guilielmo Monford ut, cum primum potuerit, provideat mittatque suppetias, et quidem inter reliquos illos quoque ipsos, de quibus meminit D. V^a^, si quidem nullum occurrerit impedimentum. Interea cupio D. V^am^ cum caeteris istic bene valere; rogoque Deum ut vos porro tutos velit, cumuletque gratiae suae donis et auxiliis, quibus deinceps pariter omnia feliciter gerant et perficiant. Rogo, D. V^a^ mei quoque teneat memoriam apud Deum. Romae.

Residentia S. Xaverii in Marilandia, seu Terra Mariae.

No. 6, F⁴. 1695, December 10.

The General Gonzalez to William Monford, (*Provincial*). *On the death of Father John Matthews in Maryland. New men to be sent. Two or three Fathers and one lay-brother for each of the three stations. Make it a rule to send one or two every year: at present, Fathers Robert Brooke and Robert Beeston, and those who asked for the East Indies. The missionaries in Maryland are to be supplied with information about ours elsewhere deceased, and other matters to the glory of God.*

Londinum, Clarissimo D. Guilielmo Monford. 10 decembris 1695.

Cum acclusis accepi quas D. V^a^ 8 octobris ad me dabat, iisque mihi significabat obiisse tum D. Joannem Mathews anno superiore in Marilanda, tum istic D. Clementem Smith mense septembri. Curavimus consueta subsidia pro utroque. Obitus D. Joannis inopportune utique acciderit illi agro, cum alias perpauci sint, quibus ille excolatur. Valde desidero ut D. V^a^, quam primum possit, de suppetiis ei ita provisum eat, ut duo saltem tresve cum uno alterove adjutore singulas, quarum tres illic numeratis, domos incolant, obeantque munera in commune illius bonum. Ne autem deinceps unquam deficiant sodales, qui illic necessarii sunt,

In Marilandia obiit P. J. Mathews.

Missionarii eo mittendi.

[3] *This letter follows one dated* 12 Nov. 1695, *and is followed by another dated* 10 Dec. 1695, *as here in the text. In point of date it is out of order, if really meant to be* 9bris, *i.e.* Novembris; *while in subject it coincides with the letter of* 10*th December, as if that were meant to be its date.*

annis singulis unus aut alter eo mittendus erit. Nunc vero prae aliis illic destinandi videntur tum D. Robertus Brooke cum D. Roberto Beeston, si quidem nullum occurrat impedimentum; tum illi qui nuper petebant ad Indias navigare orientales. Praeterea, data pro tempore occasione, cum illis communicandum erit de nostris qui sive istic sive alibi vita defunguntur, rebusque aliis, quae ipsis aliisque in illis locis ad Dei honorem utilia esse possunt. Precor Deum ut D. V^am^ salvam sospitemque velit, meique rogo ipsa quoque apud eumdem teneat memoriam. Romae.

P. Robertus Brooke.
P. Robertus Beeston.

No. 6, G⁴. **1696, January 14.**

The General Gonzalez to Matthew Wright, Rector, Watten. *A criticism on sending a novice lay-brother to Maryland. Better withhold him for a while, and send some one else at present.*

Wattenas, P. Matthaeo Wright Rectori. 14 januarii 1696.

¶ . . . Novitium illum adjutorem, quem ait nuper susceptum mittendumque in Marilandiam, credere libet in spiritu et virtute ita instructum esse et profecisse, ut eo tuto mitti queat. Secus praestabit nunc alium substitui, ejusque missionem differri usque dum satis instructus videatur. ¶ . . . Romae.

Novitius in Marilandiam.

No. 6, H⁴. **1696, February 11.**

The General Gonzalez to William Monford, London. *Approves of sending to Maryland those who had offered themselves for the Chinese Mission. Dispenses Father William Riddell from part of the third year's probation.*

Londinum, Clarissimo Viro D. Guilielmo Monford. 11 februarii 1696.

Accepi quas D. V^a^ ad me dabat 11 decembris anni superioris. Probantur mihi quae D. V. scribit de illis, qui se obtulerant ad iter Chinense, in Marilandiam proxime mittendis; cumque classis, ut meminit, ad abitum jam stet parata, permitto ut D. Guilielmo Riddel, quod ipsi reliquum est e 3° anno, a D. V. remittatur. ¶¶ . . . Romae.

In Marilandiam.
P. Riddel.

No. 6, J⁴. **1696, March 17.**

The General Gonzalez to William Monford. *Approves of three missionaries sent to Maryland.*

Clarissimo Viro D. Guilielmo Monford. 17 martii 1696.

¶ . . . Quae D. V^a^ memorat de tribus in Marilandiam missis, bene habent. ¶¶ . . . Romae.

No. 6, K¹. **1698, April 12.**

The General Gonzalez to Henry Humberston, Provincial. *The case of the scholastic master* (Thomas Hothersall) *in Maryland, already thirty years in the Society without having received ordination, owing to a weakness in the head. Alternatives proposed.*

P. Henrico Humerston Provinciali. 12 aprilis 1698.

¶¶ . . . Quod attinet magistrum, qui degit in Marilandia, jamque annum prope trigesimum agit in Societate, sacris ordinibus insigniendus et ad gradum coadjutoris spiritualis promovendus erit, si quidem propinquum absit periculum incidendi in maniam; eamque vel habeat, vel sibi comparari [*e?*] possit doctrinam, quae requiritur ad sacerdotium, etsi non sufficeret pro sacro tribunali, a quo poterit abstinere. Quod si ea sit illius conditio, ut incapax censeatur sacerdotii, inquirat R. V^a, velitne formari in coadjutorem temporalem, mittatque informationes consuetas, si contentus sit hoc gradu. His me SS. R. V. SS. plurimum etc. Romae. Mgr. in Marilandia.

No. 7, A. **1699, April 18.**

The General Gonzalez to William Monford, St. Omer. *The death of Fathers Edward Ingleby* (Tidder) *and James Gonent; relation of their virtues and labours.*

Audomarum, P. Guilielmo Monford. 18 aprilis 1699.

Habeo datas 26 februarii, quibus R. V^a mihi explicuit tum obitum P. Edwardi Ingleby, Patrisque Jacobi Goeneutt, tum utriusque virtutes et labores inter vitae discrimina exantlatos ad divini nominis honorem. Deus impertiat illis requiem in coelis et parem meritis mercedem. Interea, si quo egerent subsidio, indixi pro ipsorum animabus consueta suffragia Societatis. Cupio R. V. bene valere meque SS. ipsius SS. plurimum commendo. Romae.

No. 7, B. **1699, October 3.**

The General Gonzalez to Henry Humberston, Provincial. *Approves of the new missionaries sent to Maryland.*

Eidem [*P. Henrico Humerston Provinciali*]. 3 octobris [*1699*].

¶¶ . . . In Marilandiam suppetias missos esse patres aliquot ex 3^a probatione, P. Richardum Vaughan vero detentum Leodii, necdum obita 3^a probatione, ubi doceat mathesim, ratum habeo, quando, ut meminit, neque huic, neque missioni Marilandiensi aliunde potuit provideri. ¶¶ . . . Romae.

No. 7, C. **1700, October 2.**

The General Gonzalez to Henry Humberston, (*Provincial*). *The presumption of Father Henry Harrison's death.*

Audomarum, P. Henrico Humberston Provinciali. 2 octobris 1700.

¶¶ . . . Cum de P. Henrici Harrison obitu, ut meminit R. V., praesumi possit, nihil obstat ne consueta pro eodem suffragia indicantur. SS. R^{ae} V^{ae} Sacrificiis me impense commendo. Romae.

No. 7, D. **1701, November 12.**

The General Gonzalez to James Blake, (*Provincial*). *Father William Hunter to be professed of the four vows.*

Clarissimo Viro D. Jacobo Blake. 12 novembris 1701.

D. Guil. Hunter. ¶¶ . . . D. Guilielmum Hunter ad 4 vota solemnia promovendum nunquam dubium fuit. ¶ . . .

No. 7, E. **1709, March 16.**

The General, Michael Angelo Tamburini, to Louis Sabran, Visitor and Vice-Provincial of England. *Documents sent to the General but lost on the way: a report on Maryland. The charges brought against Brother Jamar.*

P. Ludovico Sabran Visitatori et Vice-Provinciali Angliae. 16 martii 1709.

¶¶ . . . Non etiam innotuit mihi encyclica R. V^{ae} ad locales nostros in Anglia praesides, nec relatio de Jansenismi progressu in clero Angliae, nec de missione Marilandiae quidquam, aut de causis retinendi Parisiis P. Franciscum Plowden provinciae vestrae procuratorem.

¶ . . . Ubi ex Anglia F. Jamar Leodiensis appulerit examinandus erit de culpa, cujus graviter accusatus est, agnitaque in consilio vestro veritate, non refragabor hominem impudicum a Societate nostra dimitti. ¶ . . . Romae.

Accusatio Fratris Jamar.

No. 7, F. **1709, July 13.**

The General Tamburini to Louis Sabran, Visitor. *The brighter times in Maryland. Brother Jamar found innocent. Safer men sent in his place.*

P. Ludovico Sabran Visitatori et Vice-Provinciali. 13 julii 1709.

¶ . . . Missioni Marilandiae aspirare favores a Gubernatoris benignitate, eatenus laetor, quod ad rei orthodoxae incrementum sint optabiles. Missio Marilandica.

Fratrem Henricum Jamar non probari reum de iis, in quibus ipsum criminabantur delatores, libenter audio ; libentius vero, religiosis moribus conspicuos viros illi nihilominus esse substitutos. Innocens Fr. Jamar inventus. ¶¶ . . . Romae.

No. 7, G. **1711, May 30.**

The General Tamburini to Louis Sabran, Visitor. *Father William Baucher, being afflicted with scrupulosity, is nowise fit for a busy mission like that of Maryland.*

P. Ludovico Sabran, Visitatori et Vice-Provinciali. 30 Maii, [*1711*].

¶ . . . P. Guilielmus Baucher qui a R. V. in multis sed, quod nimiis laboret scrupulis, in hoc non laudatur, nequaquam mihi videtur ad Americanam Marilandiae missionem expediendus, quippe cui animi perturbati conflictus vix aliquod otium residuum facerent aliorum saluti et directioni impendendum. ¶¶ . . . Romae.

No. 7, H. **1712, February 20.**

The General Tamburini to Louis Sabran, Visitor. *Approves of new men sent to Maryland; but alludes to the dangers attending the presence of ill-formed men in America.*

P. Ludovico Sabran Visitatori et Vice-Provinciali. 20 februarii [*1712*].

¶ . . . Annuentibus in Marilandia sociis suppetias a R.ª V.ª missas esse, bene habet. Credo autem singulos et fratrem praecipue coadjutorem ea esse virtute ac zelo, ut magnum potius auxilium missioni ab illis sperandum sit quam aliquid incommodi timendum. ¶¶ . . .

No. 7, J. **1712, October 29.**

The General Tamburini to Thomas Parker, Provincial. *Approves of his zeal in supplying Maryland with men; but intimates that better arrangements might be made by letting the men be properly formed before sending them to America.*

Eidem [*P. Thomae Parkero Provinciali*]. 29 octobris [*1712*].

¶ . . . Zelum R^ae V^ae pro missione Marilandiae, et studium succurrendi annuentibus sociis pariter gratum valde mihi habeo. Optandum tamen erat, ut vel alii idonei R^ae V^ae suppeterent, qui jam animum ad labores et aerumnas apostolicas per tertiae probationis experimenta confortârunt; vel istis, quos delegit, tam necessario missioni subsidio animos firmare licuisset. Verùm cum neutrum fieri potuerit ratum habeo quod a R^d V^a factum est. ¶¶ . . .

No. 7, K. **1715, October 19.**

The General Tamburini to Thomas Parker, Provincial. *Disapproves of Peter Davies' half-measures in disposing of his property. Will, however, allow of some regard being paid to him by the Province, which shall be invested with his rights.*

Eidem [*Leodium, P. Thomae Parcker Provinciali*]. 19 octobris 1715.

¶¶ . . . Ratio qua charissimus Petrus Davies nuntium portioni suae legitimae remittere cupit nullatenus mihi probatur non [?] [*utut—deleted*] toleranda videtur. Ne tamen nihil illi tribuatur, permitto ut, postquam illius dominio se in provinciae favorem abdicaverit, investiatur provinciae nomine, et subinde ex proventu illius gratuito a superioribus ipsi suppeditetur quantum convenire videbitur. ¶ . . .

No. 7, L. **1715, October 19.**

The General Tamburini to Peter Davies, scholastic, Liège. *Refers him to the Provincial for orders regarding the settlement of his property.*

Leodium Petro Davies physico. 19 octobris 1715.

Literas, quibus mihi exponis qua ratione de legitima tua disponere cupias, rite diebus istis traditas accepi. Quid autem, re in Domino considerata, statuere visum sit hodie item P. Provinciali significo. Quidquid igitur ex eo faciendum intellexeris, illud et optimum factu censebis et facies. Vale memor mei in orationibus tuis.

No. 7, M. **1716, March 21.**

The General Tamburini to Thomas Parker, Provincial. *The Maryland "oblates," not being members of the Society, cannot partake of its privileges; though the General can make them partakers of its merits. If admitted on their death-bed into the Order, they may*

receive the spiritual suffrages of the Province and of the Society; but their names are not to be inserted in the public register of deceased members, since they did not live in the Order.

P. Thomae Parkero Provinciali. 21 martii 1716.

¶ . . . Oblatos,[4] quos habet provincia in Marilandia, meritorum universae Societatis participes libenter facio. Indulgentias porro et alias gratias Societati concessas recte censet R^a. V^a. illis, absque speciali indulto Summi Pontificis, communes fieri non posse, cum revera de Societate non sint. Sed et illud permitto, ut pro iis, qui in articulo mortis ad Societatem admittendi videbuntur,[5] suffragia consueta per provinciam indicantur. Caeterum, uti nescio nomina sic admissorum inter alios defunctos per Societatem universam publicata unquam fuisse, cum in ea non vixerint, sic neque cum istis faciendum id videtur, quamquam suffragiorum, quae pro defunctis in Societate universa persolvuntur, participes esse possint. Sanctis R^ae. V^ae Sacrificiis me plurimum commendo.

No. 7, N. **1717, April 17.**

The General Tamburini to Thomas Parker, Rector, Liège. *Hopes that liberty and tranquillity for the Maryland Mission and missionaries will follow the late violence used against them.*

Eidem [*Leodium, P. Thomae Parkero Rectori*]. 17 Aprilis 1717.

Rite traditam accepi R. V^ae et quam ipsa [?] eadem 13 Martii ad me misit P. Provincialis epistolam. Opto autem vehementer, ut quod R^a. V^a. auguratur post significatos tumultus contra nostros in Marilandia excitatos feliciter eveniat; et tum missionariis libertas, quum missioni tranquillitas sua postliminio restituatur. ¶¶ . . .

No. 7, O. **1717, September 11.**

The General Tamburini to Richard Plowden, Provincial. *Does not know the nature of the late Maryland persecution, but is thankful for its subsidence, etc.*

Eidem [*P. Richardo Plowden Provinciali*]. 11 septembris 1717.

¶ . . . Quantumvis nesciam in quo gravis illa ac luctuosa missioni Marilandiae incumbens procella constiterit, nihilo tamen idcirco minus dissipatam esse unaque spem videndi omnia in statu pristino

[4] *For the acts in the admission of an "oblate" (un Donné), viz. the Formula of Oblation, and the Act of Acceptance by a Jesuit superior, cf. C. de Rochemonteix, S.J.,* Les Jésuites et la Nouvelle-France au XVII^e siècle, i. 482, 483; *and for correspondence with the General on the subject (1642–1643), Ibid.,* 388–394.

[5] *For a case of admission into the Society on a death-bed, cf. supra,* No. 2, *Father Andrew White on the Rev. Mr. Richard Greene.*

plurimum R^ae V^ae ac mihi gratulor. Idem spero Dominus, qui memoratam procellam avertit, imperabit etiam mari et ventis, utque tam missioni quam religioni catholicae in Anglia redeat optata tranquillitas largietur. ¶ . . .

No. 7, P. **1718, October 15.**

The General Tamburini to Thomas Parker, Rector, Liège. *The anxiety caused by the condition of Maryland.*

Leodium, P. Thomae Parker Rectori. 15 Octobris 1718.

¶ . . . Majori sollicitudine nos angit Marylandiae missionis periclitantis status, cui dum alia subvenire ope non possumus, in ejusdem protectorem supernum curas conjicimus, quem et R. V^a assiduis votis mecum deprecetur ; meique ad aras jugiter meminerit.

No. 7, Q. **1720, January 6.**

The General Tamburini to John Edesford, Provincial. *Authority to promote certain Maryland missionaries to their last vows is conferred on the Maryland Superior, in view of the reports due arriving too late in Rome.* (*The second form of address prescribes the subscription which is to be used on the outside of the letter.— An amanuensis at this date commits divers errors in transcribing the Latin.*)

P. Provinciali, 6 januarii [*1720*], Joanni Edesford.

Clarissimo Viro ac Domino Joanni Edesford. 6 januarii [*1720*].

Redditae mihi sunt litterae Dominationis Vestrae 13 novembris signatae cum iis quas consiliorum ipsius collegae adjunxerunt, et quoniam ex illis rite informatus intellexi D. Ignatius[*m*] Constable iis dotibus instructum ut gradu familiae nostrae formari possit, ideo ad eundem D. V. im[*m*]inente polo admittere poterit. Cum vero hoc [*hac*] etiam solemni professione adstringendi occurrant D. Franciscus Williams, Petrus Alwoot [*Attwood*] et Thomas Hodgson, qui in Marilandia negotiationi vacant, neglectum vero fuerit capere necessariam de iisdem in tempore informationem, idcirco potestatem ipsi facio ut praeses eorundem sufficientem de iisdem notitiam capiat, et si quidem eos hac praerogativa secundum statuta nostra dignos compererit, ipsi hanc conferre liceat praefatis dominis gradus nostri candidatis. De reliquis in corpus negotiationis nostrae aggregatis jam priore cursore mentem nostram exposuimus. Prospera quaeque D. V^ae advoveo meique memoriam impense commendo.

No. 7, R. **1720, December 7.**

The General Tamburini to Thomas Parker, (*Vice-Provincial*), London. *On the lay-brother Ignatius Clempson, who has gone adrift in Maryland. The measures to be taken in the way of reclaiming him or of dispensing him from his vows.*

Londinum, Clarissimo Viro ac Domino Thomae Parker. 7 decembris [*1720*].

¶ . . . Multum succenseo audaciori licentiae Ignatii Clempson, qua hic in Marylandia se a familiae nostrae obsequiis subduxit et ad ejusdem convictum redire detrectat. Suadendum illi omnimode est ut saniora amplectatur consilia seque denuo iis sistat obsequentem, quorum sub imperio hactenus vixit; utque id, si pervicax persisteret, tanto facilius praestet, et ad avertenda graviora incommoda, spes illi fieri potest, eum hac ratione a sua obligatione liberatum iri, quod et deinde licebit dare executioni; secus ut ante obstrictus permaneret et, si quidem citra praejudicium liceret, ad observantiam adigendus foret. Haec D. V. successori suo, quem jam renuntiatum esse suppono, communicet, ac mei pro more assidue meminerit.

No. 7, S. **1724, August 5.**

The General Tamburini to Thomas Lawson, Provincial. *On the death of Father Thomas Mansell; the flight of Father Pearse, with the loss of money, and undefined consequences.*

P. Thomae Lawson Provinciali. 5 augusti [*1724*].

¶ . . . Indoleo jacturae quam missio Marylandica cum morte P. Thomae Mansel subiit, cui optem aeque apostolicum virum substitui; sed multo majori dolori ac sollicitudini accidit fuga, quam inde P. Pearse [*Philippus Percey—deleted*] arripuit, dum, praeter ablatam pecuniae summam, non constat quid periculosus homo mente volvat; cui inquirendo et reducendo omnem operam suam addicere non praetermittat. ¶¶ . . .

No. 7, T. **1724, September 16.**

The General Tamburini to Thomas Lawson, Provincial. *On Father James Pearse* (Chamberlain), *who has returned penitent. To visit his act with proper penalties, not easy; hence he is to be proposed for dismissal.*

P. Thomae Lawson Provinciali. 16 septembris [*1724*].

¶¶ . . . Gaudeo magnopere P. Jacobum Pearse, Chamberlain dictum, poenitentem ac vocationis conservandae studio ad poenas de se sumendas promptum comparuisse. Quia vero id difficile praestare licet nec delictum ejusdem impune permitti debet, volo ut R. V^a^ eundem nobis ad dimissionem pro more proponat, adjectis in utramque partem rationibus a consultoribus diligenter prius expensis, ut quid de ipso constituere expediat penitius dignoscamus. ¶ . . .

No. 7, U. **1724, October 14.**

The General Tamburini to Thomas Lawson, Provincial. *On James Pearse's return with the money abstracted. He should be visited with condign penalties; but, as he is subject to mental alienation, the General will accede to the benign proposal of the Provincial and councillors. He may stay at his post in Maryland, but must be watched.*

Clarissimo Viro D. Thomae Lawson Provinciali. 14 octobris [*1724*].

¶ . . . Libenter cum his intellexi D. Jacobum Pearse comparuisse poenitentem, suamque fugam ac aeris subtractionem fassum deprecari. Optarem quidem ad exemplum aliorum eum cis mare congruam poenam subire potuisse; quia tamen haec non in correctionem sed destructionem eidem cederet, ac maniae obnoxium facile perderet, ratum libenter habeo consilium quod D. V^a^ cum suis consultoribus ad benignius vindicandum illius delictum, eundemque caetera negotiationi nostrae non inidoneum servandum, inivit. Opto ut saniora nunc consilia secutus sapiat et porro frugi esse satagat; in quem finem vigili tamen oculo commendandus erit, ne posteriora fiant pejora prioribus, libertateque indulta facile [?] abutatur. Quod et [?] nostro nomine D. V^a^ illi innuat; ad vitam vero familiae nostrae existimatione dignam deinceps sectandam hortetur. ¶ . . .

No. 7, V. **1724, December 23.**

The General Tamburini to Thomas Lawson. *Commendations, particularly on the subject of Maryland, its prosperity, the new men sent thither, and the new Superior. Accedes to Lawson's request by allowing Father Peter Davies to be professed of the three vows, with commendation of the said Father's zeal.*

Eidem [*Clarissimo Viro ac Domino Thomae Lawson*]. 23 decembris [*1724*].

Singulari mihi fuit solatio epistola quam D. V^a^ 6 novembris

st. v. ad nos dedit, testes curarum ac conatuum quibus communi familiae nostrae bono ac negotiationis latius etiam extendendae fructuum [?] intenta [!]. Debeo id speciatim notitiae de Marylandiae stationis prospero progressu, cui idcirco gaudeo opportunas suppetias submissas fuisse, ut hujusmodi [?] adminiculo liceat optatis in ea lucris penitius consulere; quod cum primis sperare licet, cum praefectus, qui demortuo successit et in munere hoc a D. V^a^ provide [?] confirmatus fuit, perquam eidem congruere comperiatur. Proposuit mihi ad haec D. V^a^ D. Michaelem Conell [?] ad 4 votorum professionem, cui, auditis de more iis qui nobis a consiliis sunt, perlectisque informationibus, libenter hunc familiae nostrae gradum conferimus, cum eundem probe mereri visus fuerit. Intercessioni praeterea D. V^ae^ in favorem D. Petri Davies factae, ut ad 3 votorum professionem admittatur, perlibenter defero, cum ea in hunc finem nobis illius exposuerit merita, quae singulari hoc favore eum dignum testatum fecerint. Jubeat vero eundem nunc eo majori cum fervore praeclare coeptis insistere, quo arctiori nobis nunc vinculo conjunctus extiterit. Valere demum D. V^m^, mei perbenevole [?] memorem, enixe cupio.

No. 7, W. **1725, August 25.**

The General Tamburini to John Turberville, Provincial. *On the dismissal of Father James Pearse, or Chamberlain. The case of the lay-brother Philip Leridan: how to reclaim him, or to dismiss and leave him under ecclesiastical censures, as a deserter from the religious state.*

Leodium, P. Joanni Tu[*r*]berville Provinciali. 25 augusti 1725.

Redditas diebus istis accepi litteras R^ae^ V^ae^ quas exeunte julio ad me scripsit, et, quia aliter vix potuisse impediri judicat quod imminebat scandalum, probo P. Jacobum Peras [*Pearse*], alias Chamberlain, dimissum atque res suas sibi habere jussum esse.

Quoad fratrem Philippum Leridan censeo omnem diligentiam adhibendam esse ut reducatur. Eum in finem vel ipsa R. V. scribat vel P. superiori missionis Marilandicae scribendas committat litteras, quibus amanter ad reditum invitetur cum promissione impunitatis et honorificae dimissionis, quae utique magis ipsi optanda sit quam ut infamiâ et poenis apostatarum innodatus a Societatis corpore separetur. Si ad reditum se adduci passus [?] fuerit, dentur executioni quae promissa fuere; sin minus, declaretur per litteras dimissus ac separatus a Societate, ita tamen ut simul censuris, quibus obnoxii sunt apostatae, significetur manere innodatus. Non gravetur R. V. subinde [*me*] informare de eo quod in hoc negotio successerit, ac mei interim in SS. Sacrificiis suis diligenter meminerit.

No. 7, X. **1727, March 29.**

The General Tamburini to John Turberville. *Chamberlain* [Pearse] *no longer a member S.J.*

Londinum, Clarissimo Viro ac Domino Joanni Turberville. 29 martii [*1727*].

¶¶ . . . Tres illi, qui Vallisoleti familiae nostrae adscripti, post primam probationem jam peractam, Leodii student 4 anno theologiae, aliquot saltem mensibus in tertia probatione exerceri poterunt, ut apta fiant negotiationis nostrae instrumenta et discant lucra facere. Nihil etiam addo de D. Chamberlain, cum non dubitem eum, jam a communitate nostra exclusum, aliorum gratiam sectari, neque nobis amplius molestum futurum. ¶¶ . . .

No. 7, Y. **1728, October 16.**

The General Tamburini to Father William Gerard, Maryland. *On the information conveyed that there has been carelessness in sending reports for the promotion of individuals to their last vows.*

In Marilandiam, D. Guilielmo Gerard. 16 octobris [*1728*].

Dolenter intellexi ex datis a D. V^{a} 10 junii literis incuriam in mittendis et accipiendis informationibus solitis de iis, qui statuto alias tempore essent promovendi. Operam dabo ut haec negligentia per illos corrigatur, quorum est temporis angustias, quantum fieri potest, praevenire. D. V^{ae} autem pro zelo suo, quo bonum commune prosequitur, meritas laudes et grates plurimas reddo, meque piae ipsius memoriae impense commendo. Romae.

No. 7, Z. **1729, August 27.**

The General Tamburini to John Turberville. *Presumes that there was no precipitate action taken by the Provincial in the case of Father Owen Kingsley* (Maryland missionary).

Londinum, Clarissimo D. Joanni Turberville. 27 augusti [*1729*].

¶¶ . . . Verebatur nonnemo D. V^{m} severiori sententia processuram contra D. Odoënum Kingsley, ut a negotiatione nostra separetur: neque mihi persuadere potui, cum non ignorem D. V^{m} id me inconsulto minime facturam, sed pro more potestatem eum in finem, si necesse foret, postulaturam fuisse. Valere D. V^{m} cupio, et mei memoriam habere assiduo.

No. 7, A². **1729, November 12.**

The General Tamburini to John Turberville. *Glad that Owen Kingsley has been quickly withdrawn from danger. Criticism on the lay-brothers in Maryland, and extra powers of dismissal granted to the Maryland Superior in case of an emergency. Agrees with the Provincial that oblates would be preferable in that Mission.*

Londinum, Clarissimo D. Joanni Turberville. 12 novembris [*1729*].

Magnopere laudo D. V^ae providentiam, qua in tempore occasionibus et periculis subduxit D. Odoënum Kingsley, ut in partibus cismarinis desideratae sui reformationi operam sedulam impenderet; praestolandum igitur est, quo fructu exspectationi nostrae responsurus sit; interim aliud de illo statuendum non erit.

Quantum gratulor socios in Marilandia rerum nostrarum progressui strenue intentos esse, tantum fere displicet adjutores eorum laicos officio suo deesse; ut hos autem a negotiatione nostra dimittere valeat ipsorum illic praeses de consilio suorum consultorum, hisce potestatem ipsi [(c)] factam esse significet D. V^a, pro casu quo delicti alicujus publici rei deprehenderentur. Magis autem probo D. V^ae mentem, dum ipsi suasit, ut illorum loco Oblatorum opera rebus suis consulat. Valere D. V^a prospere [*cupio*]; et devotam mei memoriam assidue habeat.

No. 7, B². **1731, July 28.**

The General, Francis Retz, to John Turberville, Provincial. *A decree of the last General Congregation, declaring that Provincials cannot dispense from any part of the third year of probation.*

P. Joanni Turberville Provinciali. 28 julii [*1731*].

¶¶ . . . Cum Congregatio Generalis postrema non voluerit licere Provincialibus, ut quenquam eximant a tertio probationis anno integre peragendo; et speraverit futurum ut ego neminem, nisi ob gravissimas causas, et ab aliqua tantum illius parte eximam; facile patebit, quid R. V. et successores sui a me postulare quidve sperare valeant. Quare, si tanta fuerit necessitas tertiam probationem decurtandi, quantam mihi perscribit, R. V. omni, quo potest, meliori modo providere velit et me certiorem reddere. Valeat autem prospere, et in SS. suis Sacrificiis mei assiduam habeat memoriam. Romae.

(c) Ipsi *over the line in another hand, correcting* illi *of the amanuensis.*

No. 7, C². **1731, August 25.**

The General Retz to John Turberville, Provincial. *In the need of men for Maryland, allows an abridgment of the third year of probation for some otherwise qualified.*

Eidem [*P. Joanni Turberville Provinciali*]. 25 augusti [*1731*].

¶¶ . . . Quae R. V. scribit de necessitate mittendi suppetias in Marilandiam, bene quidem habe[*n*]t, desidero autem mitti idoneos, atque adeo conquiri tales qui tertiam probationem obiverint; meum vero hac de re sensum jam ex nuperis 28 julii ad ipsam datis credo interim intellexerit. Quod si naves illae in Marilandiam redituraе per trimestre spatium isthic moram faciant, possent aliqui per hoc tempus tertiae probationi applicari, ac tum demum, hoc expleto, integrum mihi fore crederem in reliquo tempore cum talibus dispensare. ¶ . . .

No. 7, D². **1731, December 8.**

The General Retz to John Turberville, Provincial. *Is waiting for the reports on the Maryland members with a view to the last vows.*

Londinum, Clarissimo Viro ac Domino [*P. Joanni—deleted*] Turberville Provinciali. 8 decembris [*1731*].

¶ . . . Quae de D. Guilielmi Dormer formatione serius peracta accepi, rata habeo; quae vero D^m^ Syddle et Marilandicas informationes attinent, cum tempus moneat, magno desiderio expecto, uti et nuntium de incolumi in Angliam adventu D^ni^ Richardson. ¶ . . .

No. 7, E². **1732, March 8.**

The General Retz to Richard Richardson, (*Provincial*). *Approves of his having written again for the Maryland reports.*

Londinum, Clarissimo D. Richardo Richardson. 8 martii [*1732*].

¶ . . . Caeterum provide actum est a D. V^a^, quod pro Marylandicis literis denuo scripserit, laudoque etiam consilium de retinendo D. Henrico Sheldon itinerum et laborum socio. ¶¶ . . .

No. 7, F². **1732, April 19.**

The General Retz to Father Philip Carteret, Liège. *On the loss of his vote as examiner of Father Robert Harding; and the means of supplying for the missing written votes of all the four examiners.*

Leodium, P. Philippo Carteret. 19 aprilis [*1732*].

Cum R. V. suffragium de doctrina P. Roberti Harding memoria non amplius teneat et chartam in qua descriptum erat jam aboleverit, superest ut P. Provincialem quam primum per literas conveniat, idque saltem ab eo postulet ut mihi perscribat quae et qualia fuerint quatuor PP. examinatorum judicia de praedicto patre. Valeat de caetero R. V^a^ et mei meminerit in SS. Sacrificiis.

No. 7, G². **1732, September 6.**

The General Retz to Richard Richardson, London. *On the selection of persons for Maryland and the English Mission.*

Londinum, Clarissimo D. Richardo Richardson. 6 septembris [*1732*].

¶¶ . . . Pro Marylandiae et Angliae stationibus precor ut delectus personarum feliciter cedat. Gravibus autem de causis virum ante omnia peto exquisitae prudentiae discretionisque qui in Urbem minister mittatur. ¶ . . .

No. 7, H². **1733, October 31.**

The General Retz to Levin Browne, Rector, Watten. *Will accede to the request tendered on behalf of the Maryland missionary, Peter Davies, that he be promoted to the four vows. The previous grant of promotion to the profession of three vows. The conditions to be fulfilled with sworn testimonies regarding the talents or acquirements alleged. A similar grant of promotion to the profession of three vows is accorded, on like conditions, to Father Robert Harding. As to the profession of four vows for Thomas Pulton, information will be taken in Rome.*

Eidem [*P. Levino Browne, Rectori*], Wattenas. 31 octobris 1733.

Literis ex Anglia datis rogor ut P. Petrum Davies Marylandiae missionarium, jam antehac gratia trium votorum solemnium, quae tamen nondum emisisse scribitur, donatum admittam ad professionem quatuor votorum, cum polleat talento concionandi et peritia linguae Graecae; virtute insuper et zelo praestare videatur, secundum judicium P. superioris sui et PP. Richardson ac Turbeville. Quamvis autem jam secundus et insolitus quidem favor petatur, difficilem me tamen non praebebo, si jurata testimonia accepero de excellentia in praedictis talentis, juxta decreta Congregationis XIII et XIV, quae R. V^a^ a designatis ad hoc viris idoneis petere atque ad nos transmittere maturabit, ut judicium fieri possit.

De P. Petro Davies proposito ad 4 vota.

Iidem patres etiam preces jungunt pro P. Roberto Harding, ut ad 3 votorum professionem benigne admittatur. De hoc quoque, secundum ea quae p. 5. Const[*itutionum*] cap. 2 exiguntur, informandus ero, ut dispicere possim an gradus hujus, qui solidam virtutem devotionemque imprimis postulat, copia eidem fieri queat. ¶ . . .

De P. Roberto Harding ad 3 solemnia.

Porro cum dubitatum fuerit unde pro P. Thoma Pulton ad gradum professionis 4 votorum propediem capiendum informationes peti oporteat, hisce insinuo eas, ut ambages temporis et locorum vitentur, e patribus Romae degentibus collectum iri. Valere quam optime R. V^m cupio, et Deo auspice coeptum munus cum solatio gerere ; mei vero in Sacris suis diligenter meminisse.

No. 7, J². **1734, January 23.**

The General Retz to Levin Browne, (*Provincial*). *Is waiting for the information called for, in the question of promoting Peter Davies, as also Robert Harding.*

Londinum, Clarissimo D. Levino Browne. 23 januarii [*1734*].

¶¶ . . . De D. Davies expectabo libenter judicium D. V^ae cum informationibus reliquis ; una enim intelligam quomodo affectus erga labores et aliis ad finem intentum requisitis instructus sit. Sed et de D. Harding, licet D. V^no judicio plurimum tribuam, necesse erit suffragia peti ab aliis secundum ea quae 31 octobris innui, atque huc opportune transmitti. ¶¶ . . .

No. 7, K². **1734, April 17.**

The General Retz to Levin Browne, Provincial. *Is waiting for information in the case of Peter Davies and Robert Harding.*

Leodium, P. Levino Browne Provinciali. 17 aprilis [*1734*].

¶ . . . De PP. Roberto Harding et Petro Davies libenter opperiar informationes tempore suo mittendas. ¶¶ . . .

No. 7, L². **1735, January 8.**

The General Retz to Levin Browne, Provincial. *On the prosperous state of affairs, and consequently less excuse for interfering with the third year of probation, part of which he dispenses with now in the case of James Farrar assigned to Maryland. Also on interference with the two years necessary for the novitiate.*

Londinum, D. Levino Browne Provinciali. 8 januarii [*1735*].

Triplices D. V^ae literae, 9, 11 et 15 Novembris datae cum solitis informationibus obvenerunt mihi gratissimae, cum ex iis prosperum rerum nostrarum tum in America tum in Anglia statum laetus intellexerim. Divina Bonitas industrios negotiatorum conatus promoveat, et numerum eorum adaugeat, quo pluribus pro voto meo et D. V^ae servire valeant, quin tamen opus sit tempus anni tertii quibusdam imminuere, nisi gravis urgeat necessitas; cui et ego modo cedere cogor in ordine ad D. Jacobum Farrar in Americam transferendum. Si similis militat ratio pro D. Pembarton et D. Houghton Wattenis Leodium evocandis, non obsisto; velim tamen, ut D. V^a solicite dispiciat, an non pro quatuor mensibus, a D. V^a pro illis desideratis, duo postremi sufficiant, quos Wattenis non exigant, cum maxime intersit pro opera inter nos et alios posthac utiliter locanda integrum biennii tempus consuetis exercitationibus impendere. Eandem curam a D. V^a requiro quoad D. Sommerville, quem ex medicorum consilio Gandavum se misisse scribit, an nimirum varia ejus valetudo non sit sufficiens causa eum a nobis segregandi ante absolutum biennium, ne deinde inutilis evadat negotiationi. ¶¶ . . .

No. 7, M². **1735, April 2.**

The General Retz to Levin Browne, Provincial. *Admits Robert Harding to the profession of the three vows. Adverts to his own obligation of not allowing the novitiate or the third year of probation to be curtailed.*

Clarissimo Domino Levino Browne Provinciali. 2 aprilis [*1735*].

Expensis D. V^ae et DD. consiliariorum suffragiis, ad solemniter profitendum tria [*vota*] admitto D. Robertum Harding. Hanc sententiam nostram D. V^ae hisce significo, et ut eam stato tempore rituque exequatur commendo.

¶¶ [6] . . . Non mirabitur D. V. quod aegre condescenderim ad minuenda probationum tempora, si in memoriam sibi revocaverit obligationem meam, cui omnino satisfacere teneor; licet sine dubio videam necessitatem plurium negotiatorum et ipse toto animo optarem dari eorundem copiam. ¶¶ . . .

No. 7, N². **1735, August 20.**

The General Retz to Levin Browne, Provincial. *Declines to let John Digges be withdrawn from the novitiate to serve Maryland. God will provide for present emergencies.*

[6] *Fourth letter of the same date to the same.*

Clarissimo D. Levino Browne Provinciali. 20 augusti [*1735*].

¶¶ . . . Felicibus progressibus Marylandiae negotiationis plurimum delector, non tamen utile futurum arbitror, si D. Joannes Diggs adeo mature ex loco probationis educeretur. Non enim latet D. V.ᵐ quam solido fundamento opus sit illis qui memorato operi subinde addicendi sunt, quod tamen inter studiorum occupationes, ut alias oporteret, jaci nequit. Unde cum eo cunctandum adhuc esse judico. Supplebit interea benignum coelum aliis negotiatoribus suam valetudinem firmando, quam cum primis D. Vᵃᵉ prorsus incolumem ex animo precor et solitae inter nos memoriae plurimum me commendo. ¶ . . .

No. 7, O². **1735, November 19.**

The General Retz to Levin Browne. *Presumes that the Provincial and his councillors acted in good faith when they withdrew John Digges from the novitiate and applied him to studies.*

Londinum, Clarissimo D. Levino Browne. 19 novembris [*1735*].

¶¶ . . . Etsi maluissem Joannem Diggs diuturniore probatione exerceri, cum tamen D. Vª suique consiliarii bona fide processisse videantur, contrarium factum nunc non ita improbo, ut illud revocari velim ; antehac enim volui duntaxat solicitudinem meam, prout obligor, circa illum ritc instituendum, et pro futuris comparandum exhibere ; interim tamen eam depono in providentia D. Vᵃᵉ, qua disposuit, ut inter literarum occupationes singularis illius cura pro excolendo spiritu habeatur. ¶¶ . . .

No. 7, P². **1738, July 26.**

The General Retz to Levin Browne, Rector, Liège. *Permits Bernard Cross to be withdrawn from the novitiate after seventeen months, but to be provided for specially in the house of studies during the remainder of the two years. Father John Dennet may come to Rome with the nobles in question.*

Eidem [*Leodium, P. Levino Browne, Rectori*]. 26 julii [*1738*].

Ad postulatum P. Provincialis hisce significo R. Vᵃᵉ charissimum Bernardum Cross, exacto decimo septimo tyrocinii sui mense, posse applicari studiis philosophicis. Commendo tamen illum peculiariter R. Vᵃᵉ ut ipsi constituat virum qui possit et velit singulariter illum adhuc juvare in spiritu per reliquum tempus, quod alias in novitiatu adhuc exigendum haberet. Communicet praeterea R. Vª cum P. Joanne Dennet facultatem veniendi Romam in consortio notorum nobilium. Demum prospere valeat cum jugi mei memoria in SS. suis Sacrificiis.

No. 7, Q². **1738, July 26.**

The General Retz to Henry Boult, (*Provincial*). *Grants the two points regarding Bernard Cross and John Dennet; but cannot sufficiently express his wonder that, in a year's administration of his office as Provincial, Boult should have recognized the General's authority only in the matter of getting these two dispensations, and should have ignored it in every other point belonging to the duties of his office, notwithstanding reminders from the General.*

Londinum, Clarissimo D. Henrico Boult. 26 julii [*1738*].

Ad ea quae in literis 23 junii scriptis D. V. mecum communicavit circa D. Joannem Dennet et D. Bernardum Cross, annutum meum jam significavi D. Levino Browne. Hac autem occasione non possum D. V^ae satis explicare admirationem meam, quod solum in memoratis duobus punctis, quae dispensationem continent, ad me confugerit, praetermissis omnibus illis, quae ad observantiam officii sui circa res mecum scripto communicandas pertinent. Etsi enim satis longo tempore in cismarinis partibus manserit, nihil tamen hactenus ad me dedit de statu earum, aut illarum quae trans mare sunt, quamvis id desideraverim in literis meis d. [?] 2da novembris anni praeteriti, idemque instauraverim in datis 25 januarii anni praesentis, et licet praeterea modum ad hoc suppeditaverim, formulasque miserim per D. Joannem Norris. Nullus etiam praefectorum transmarinorum ad me scripsit; catalogum personarum hujus anni nondum obtinui; non accepi tractatum de manumissione Guilielmi Ward; nihil hactenus intellexi, an et quomodo professio D. Audoëni Kingsley renovata fuerit. Quaeso proinde D. V^a haud gravate in memoriam sibi reducat 92 regulam sui muneris, et meam, quam pro universa familia gero, sublevet solicitudinem, quae alias nimiopere augetur, si penitus fere ignorem quo loco res nostrae sint. Eidem demum solicitudini, quod scripsi, tribuat, et cum solita mei memoria prospere valeat.

No. 7, R². **1738, December 20.**

The General Retz to Levin Browne, Rector, Liège. *Imparts the plenary indulgences to Father Henry Neale's crucifix.*

Leodium, P. Levino Browne R[*ectori*]. 20 decembris [*1738*].

¶ . . . P. Henrici Neale crucifixo applico plenarias indulgentias per ipsum applicabiles moribundis quibus adstiterit, juxta sensum privilegiorum nostrorum, v. Indulgentiae, § 32. ¶ . . .

No. 7, S². **1739, February 7.**

The General Retz to Henry Boult. *Amid so many demands for men on behalf of Maryland, the General wishes to know something about Maryland, the fruit there, the progress made by the eleven missionaries at work. Meanwhile he allows Henry Neale to be sent out after only a month's spiritual exercises in the house of third probation. But, as to Richard Archbold, Father Levin Browne will communicate the General's mind to the Provincial.*

Londinum, Clarissimo D. Henrico Boult. 7 februarii [*1739*].

¶¶ . . . Saepius quidem a decessore D. V^ae^ et iteratis vicibus etiam ab ipsa D. V^a^ intellexi Marylandiam operariorum penuria laborare, non autem quos quantosque fructus colligant praesentes, adeo ut necesse habeant adjutoribus, etsi undecim ibidem operentur. Vehementer proinde cupio, ut cum D. V^a^ nostris partibus reddita fuerit, etiam eos progressus nostrae negotiationis, qui in illa regione fiunt, mecum communicet. Serviet id non modo pro mutuo solatio, sed et incitamento, ut pro ampliando negotiatorum numero providentiam meam curis D. V^ae^ alacrius impendam. Interim eo evocare poterit D. Henricum Neale, praemissis tamen prius menstruis exercitiis Gandavi. De D. Richardo Archbold mentem meam D. V^ae^ declarabit D. Browne. Unum adhuc hac occasione annecto, ut scilicet, cum D. V^a^ Leodium reversa fuerit, non obliviscatur negotii circa D. Franciscum Dormer commendati, cujus quidem curam mihi pollicita fuit literis 21 septembris signatis. Caeterum prosperrimam valetudinem D. V^ae^ toto affectu precor et mei constantem solito more memoriam expeto.

No. 7, T². **1739, February 7.**

The General Retz to Levin Browne, Rector, Liège. *Will not allow Richard Archbold, even with his own good will, to be cut short in his theological studies. The method and conditions of his being permitted to undertake the voyage to Maryland in the course of his fourth year's theology. Some other companion for Henry Neale.*

Leodium, P. Levino Browne, R[*ectori*]. 7 februarii [*1739*].

¶ . . . Hac tamen occasione R. V^ae^ significo: P. Provincialem a me desiderasse veniam proxima aestate evocandi in Marylandiam P. Henricum Neale et charissimum Richardum Archbold. Pro priori potestatem ipsi jam feci, modo tamen, absoluto examine, prius menstruis exercitiis S. Parentis nostri vacet Gandavi, in quem finem proinde mature

eo dirigi poterit. Circa charissimum Richardum majorem habeo difficultatem; etsi enim P. Provincialis itidem mihi scribat, eum ex non vulgari zelo paratum esse renuntiare ulterioribus studiis et ipsi professioni, non videtur tamen opportunitate ad illam perveniendi privandus esse. Mallem igitur ut, exacto tertio theologiae anno, ipsi assignarentur theses, ex quibus pro ultimo tentamine in Marylandia examinaretur a quatuor idoneis examinatoribus. Si tamen R. V^a^ tales ibidem non esse existimaret, differendus erit illius discessus in annum venturum, quo commodius etiam vacare poterit per mensem S. Patris exercitiis, et per haec animum quoque diligentius praeparare ad illas operationes evangelicas. R. V. nunc mecum communicet suum super hac re arbitrium, P. Provinciali vero meum sensum exponat, et in casum quo charissimus Richardus hoc anno Leodii retinendus esset, tum ut tertium theologiae annum finiat, tum ut isthic quoque ultimum tentamen absolvat, eidem significet de alio interim providendum esse, qui P. Henrico in socium itineris adjungatur. Valeat R. V^a^ habeatque jugem mei memoriam in SS. suis Sacrificiis.

No. 7, U². **1739, March 14.**

The General Retz to Levin Browne, Rector, Liège. *Grants to importunity the permission that the scholastic Richard Archbold may set out with Father Henry Neale for Maryland. Measures to be taken in the interest of Archbold should he regret the step, owing to the interruption of his studies.*

Leodium, P. Levino Browne R[*ectori*]. 14 martii [*1739*].

¶¶ . . . Si tanta est necessitas operariorum in Marylandia et tantus defectus personarum provinciae, ut nemo P. Henrico Neale eo profecturo adjungi valeat praeter charissimum Richardum Archbold, hujus item profectio in annum venturum absque gravissimo memoratae missionis incommodo differri nequit [*nequeat?*], habeat R. V. veniam chm. Richardum P. Henrico associandi. Quia tamen contingere posset ut subinde charissimum poeniteret renuntiasse studiis ac opportunitati perveniendi ad professionem quatuor votorum, judicavi hac saltem providentia utendum esse, nempe ut is scripta philosophica ac theologica et praesertim eos tractatus, quibus adhuc vacare deberet, secum ferat, pro casu quo vellet possetque iis operam dare seque pro supremo tentamine subeundo praeparare. Indicet proinde illi R. V. hoc meum consilium paterno ex amore profectum; ego interim utrique prosperum iter et numerosissimos ex apostolicis laboribus fructus precor, paternam meam benedictionem adjicio, et me SS. R. V^ae^ Sacrificiis impense commendo.

No. 7, V². **1739, November 14.**

The General Retz to Levin Browne, Rector, Liège. *He grants to Benedict Neale the privilege of being promoted to the priesthood at the end of his second year in the course of theology, all the usual conditions being observed.*

Leodium, P. Levino Browne R[*ectori*]. 14 novembris [*1739*].

¶ . . . Habita ratione intercessionis R. V^ae^, et doctarum a charissimo Benedicto Neale per quinque annos humaniorum scholarum, concedo eidem, ut sub finem secundi theologiae anni ad majores ordines et sacerdotium promoveatur, dummodo tamen prius solito more de eo capiantur informationes, illae eidem faveant, et ad haec substiterit in examine, consueto quoque more praemittendo. Valeat R. V^a^ habeatque jugem mei memoriam in SS. suis Sacrificiis.

No. 7, W². **1740, July 2.**

The General Retz to the lay-brother, John Wiseman. *A cordial acceptance of his offer to serve the Fathers on the Indian Missions. Will commend the matter to the Provincial.*

Audomarum Angl[*iae*], Charissimo Joanni Wiseman coadjutori, 2 julii [*1740*].

Ardens tuum desiderium serviendi nostris patribus in regionibus Indicis, eoque modo cooperandi in salutem gentium tanto magis laudo, quanto minus id effectui dare cupis quam si et quomodo superioribus tuis, veluti divinae voluntatis interpretibus, visum fuerit. Haec ipsa porro ratio me movet ut provinciae tuae praesidi commendaturus sim illud tuum desiderium, ut, si ad majorem Dei gloriam expedire judicaverit nihilque obstiterit, ei morem gerere non gravetur. Tu interim Optimum Deum Dominum nostrum suppliciter roga ut sua sanctissima voluntas in te impleatur, neque dubita id ipsi futurum gratissimum quod ex laudato provinciae praeside statutum esse intellexeris, sive decernat te mittere in Indias, sive in Europaeis regionibus morari velit. Vale ad haec, et mei quoque memor esto in tuis precibus.

No. 7, X². **1740, July 16.**

The General Retz to Henry Boult, Provincial. *Unusual to ask for missionaries from other Provinces, especially when so many Indian Missions are calling for men. However, the General will not disregard Pennsylvania, if members wish to go there. Father*

Theodore Schneider of the Upper Rhine scarcely available. But others in the Province of the Lower Rhine are on the lists of aspirants for the foreign missions. Conditions to be observed. Commendation of the lay-brother, John Wiseman. Robert Harding already approved for profession of three vows. The case of Peter Davies: the conditions for promoting him to profession of four vows not yet fulfilled; he can be admitted at once to the three vows. General declaration: no one henceforth to defer taking the grade assigned, merely in the hope of a higher grade which may yet be granted.

P. Henrico Boult Provinciali. 16 julii [*1740*].

¶¶ . . . Insolitum quidem est ut ex aliis provinciis Europaeis ad Americanas missiones istius provinciae socii mittantur, et in circumstantia praesentium temporum, in quibus copiosissimi operarii petuntur pro quinque Indicis provinciis coronae Hispanicae, difficile mihi accidit etiam R. V^ae^ postulato morem gerere. Quia tamen nulli terrarum parti, quantum in me est, deesse volo, contentus sum ut novum evangelii ostium, quod in Pensylvania aperiri intelligo, nostri subintrent. Inter hos autem vix adhuc esse poterit P. Theodorus Schneider, quia necdum de ipso habeo solitas informationes, neque scio an provincia Rheni Superioris illo carere queat. Sunt tamen alii in provincia Rheni Inferioris, qui in omnem diem expectant a me evocationem in Indias. Ex his duos, si dictus pater concedi non posset, poterit habere R. V.; agat tamen de illis prius cum P. Ferdinando Limpens Praeposito Provinciali istius provinciae; ante omnia autem certitudinem habeat de sumptibus in istam profectionem et futuram missionariorum sustentationem necessariis.

Commodum hic addidero me rogatum esse ut R. V^ae^ pro adjutorio missionariorum in Marylandia commendem charissimum Joannem Wiseman eo mitti flagitantem. Si R. V^ae^ habilis videtur nihilque aliud obstare censet, faciat illum compotem suorum votorum.

Concedo, ut P. Guilielmus Wright, vere Convay, solito more mihi proponatur ad professionem IV. votorum.

P. Robertus Harding, juxta meam sententiam 2 aprilis 1735 cum decessore R. V^ae^ communicatam, admittatur ad solemnem trium votorum professionem, si interim nihil in contrarium occurrit.

Eidem R^ae^ V^ae^ decessori scripsi 31 octobris 1733 ut de talento concionandi et peritia linguae Graecae P. Petri Davies mihi mittat quatuor jurata testimonia, si ad professionem quatuor votorum promovendus est. Ista autem hactenus ad me non pervenerunt; unde vel ista mittantur, vel, si post captas novas informationes nihil obstare compertum fuerit, uti alias statui, ad professionem trium solemnium votorum admittatur. Imposterum vero nemo ex spe obtinendae professionis quatuor votorum a determinato sibi gradu detineatur; etsi enim in hoc positus fuerit, istud

tamen non obstabit quominus, habitis sufficientibus argumentis, ad altiorem gradum per me admitti queat. ¶¶ . . .

No. 7, Y². **1740, September 24.**

The General Retz to Henry Boult, Provincial, Liège. *The Provincial of the Province of the Upper Rhine has, at the General's intercession, made the sacrifice of granting Theodore Schneider to the Pennsylvania Mission, although his own Province is in need of men. Another Father, taken from the Province of the Lower Rhine, will accompany Schneider.*

Leodium, P. Henrico Boult Provinciali. 24 septembris [*1740*].

¶¶ . . . Ego interim cum P. Provinciali Rheni Superioris de concedendo P. Theodoro Schneider pro missione Pensylvaniae [*egi*], et de illo intellexi, non attenta praesenti necessitate suae provinciae, paratum esse ad faciendum hoc sanctum illius sacrificium. Habebit proinde R. V. P. Theodorum et alium adhuc nostrum sacerdotem ex provincia Rheni Inferioris. ¶¶ . . .

No. 7, Z². **1741, April 8.**

The General Retz to Henry Boult, Rector, Liège. *Satisfaction at hearing that Fathers Theodore Schneider and William Wappeler, now on the Anglo-American Missions, afford such grounds to hope for great results from their labours.*

Leodium, P. Henrico Boult R[*ectori*]. 8 aprilis [*1741*].

¶¶ . . . Valde gaudeo P. Theodorum Schneider et P. Wilhelmum Wappeler praebuisse magnam spem secuturi ex opera illorum fructus in missionibus Anglo-Americanis, precorque Deum ut ad majorem ipsius gloriam et plurimarum animarum aeternam salutem futuris eorum laboribus uberrime benedicat. ¶¶ . . .

No. 7, A³. **1741, June 3.**

The General Retz to Charles Shireburn, Provincial. *Benedict Neale and John Digges need not be dispensed from the whole fourth year of theology, in view of their going to Maryland. How their studies may be completed, and spiritual exercises be performed by way of a third year of probation. The General expresses surprise that the actual Provincial and his predecessors were always*

demanding dispensations of this kind, and yet never showing what utility or fruit resulted from obtaining them. On the present occasion, such information might be vouchsafed.

Londinum, Clarissimo D. Carolo Schireburn Provinciali. 3 junii [*1741*].

¶¶ . . . Cum D. Benedicto Neale et D. Joanne Diggs, usquedum in Marylandiam proficiscantur, fere annus unus supersit, haud opus videtur ut cum illis in toto quarto theologiae anno dispensem. Ita proinde de illis disponat D. V., ut sub principium quarti anni ultimum tentamen subeant, deinde vero se ad tertiam probationem pro faciendis menstruis exercitiis conferant, et, his absolutis, iter destinatum ingredi valeant. Caeterum libet hac occasione annotare, quod quidem saepius a decessoribus D. V^ae^ interpellatus fuerim pro ejusmodi dispensationibus, praetensa grandi utilitate et necessitate nostrorum ibidem operariorum; nunquam tamen ex illis simul intellexerim quanta sit illa utilitas et quis fructus ex nostris negotiatoribus. Si proinde D. V^a^ aliquas habuerit ejusmodi notitias et opportuno tempore mecum communicaverit, rem valde gratam mihi praestabit. ¶¶ . . .

No. 7, B³. **1742, June 30.**

The General Retz to Charles Shireburn, Provincial. *On Robert Knatchbull; his returning to Maryland for his health; his eminent talents; measures to secure the continuance of his studies.*

Clarissimo D. Carolo Schireburn Provinciali. 30 junii [*1742*].

¶¶ . . . Contentus etiam sum cum dispositione circa D. Robertum Knatchbull; cum tamen D. V^a^ ferat illum esse et ingentis spei et permagnae virtutis et ingenii maximi, melius forte ipsi consuleretur in futuram vitam et pro majore bono negotiationis, si in patriam quidem auram translato potestas tamen et opportunitas fiat privato, pro sua commoditate, studio, sub directione alicujus, sese impendendi reliquae parti ad medium perductarum altiorum disciplinarum, atque subinde de his respondendi, ut videlicet supremo inter nos gradu donari queat. Dispiciat D. V^a^ quid adhuc fieri possit et interim prosperrime valeat meique, uti semper, memor sit.

No. 7, C³. **1743, January 5.**

The General Retz to Henry Boult, Rector and Vice-Provincial, Liège *On William Wappeler's profession of the four vows to be made February 2nd, 1744.*

Leodium, P. Henrico Boult Rectori, Vice-Provinciali. 5 januarii [*1743*].

Accepi quidem a R. V^a^ et suis consultoribus propositum ad gradum coadjutorum spiritualium P. Guilielmum Oneil pro instante proximo anni istius polo; sed, cum in tempore religionis integer adhuc ipsi desit annus, pro sequente primo proponendus erit, nisi per errorem calami significatum fuisset, eum Societatem nostram ingressum fuisse anno 1733, cum forte scribi debuisset 1732; in hunc autem casum, solius nempe erroris in scribendo, et si complevit triginta annos aetatis naturalis, lectis informationibus, et instituta de more cum meis PP. assistentibus deliberatione, judicavi in Domino P. Guilielmum ad dictum gradum promovendum. Eadem ratione, habitis informationibus de P. Wilhelmo Wappeler ex Provincia Rheni Inferioris ex qua discessit in Pensylvaniam, statui in Domino ut P. Wilhelmus ad Professionem IV. votorum anno 1744, 2^da^ februarij, admittatur, nisi interim aliquid grave obstare judicatum fuerit. Hanc proinde sententiam nostram R^ne^ V^ae^ hisce significo, et ut eam stato tempore rituque exequendam P. Provinciali communicet commendo; mei vero in sanctis suis Sacrificiis meminerit.

No. 7, D³. **1743, March 9.**

The General Retz to Father Charles Roels, Liège. *On the proposal of the English Vicar-Apostolic to designate one of the Jesuit missionaries in Maryland as his vicar. If he means a vicar in ordinary, the post cannot be accepted without a pontifical dispensation from the Jesuit's special vow; if only incidentally, there will be no difficulty. Another measure might be that of attaching the Jesuit as adviser to a vicar in ordinary.*

Leodium, P. Carolo Roels. 9 martii [*1743*].

Res, quam R. V. mihi proposuit ex voluntate P. Provincialis sui, explicatione aliqua indiget. Si enim Ill^mus^ dominus Vicarius Apostolicus Marylandiae et Pensylvaniae nostrum sacerdotem harum missionum superiorem ita sibi in hoc vicariatu vult substituere, ut ipsi deleget omnem suam jurisdictionem permanentem et habitualem pro universitate causarum, gratiosarum nempe et contentiosarum, ad illud munus seu tribunal spectantium, a nostro ob particulare votum admitti nequit. Supplicari tamen idcirco potest ab Ill^mo^ Domino Suae Sanctitati pro dispensatione, quae in hoc casu forte haud difficulter impetrabitur. Si autem vult pro uno alterove solum actu transeunte etiam in causis contentiosis suam potestatem ipsi tribuere, vel solas gratiosas, uti sunt dispensationes, absolutiones etc., licet universim, ipsi delegare, id absque alia dispensatione noster sacerdos admittere potest. Tandem res haec etiam isto modo potest instrui absque recursu ad Sedem Apostolicam, ut nimirum Ill^mus^

alteri extra Societatem omnem suam potestatem deleget, isti tamen simul imponat ut nihil agat absque consilio et approbatione nostri sacerdotis. Haec nunc R. V. cum memorato P. Provinciali communicet. ¶ . . .

No. 7, E³. **1743, August 24.**

The General Retz to Charles Roels, Rector, Liège. *There is no decision of the General Congregation, but there is the opinion of some grave theologians to the effect that if, in such a case as the present, Father Talbot*[7] *had assigned all his property, and all his natural expectations or rights, to the Society before his profession, the College which he made his heir could and can now claim the property ab intestato left by Father Talbot's nephew.*

Leodium, P. Carolo Roels R[*ectori*]. 24 augusti 1743.

Non fuit quidem a postrema Congregatione Generali approbata aliqua declaratio theologica, juxta quam nostro alicui collegio obvenire queat haereditas ab intestato, vi renuntiationis in illius favorem editae a quodam Societatis nostrae professo, dum eam ante professionem fecisset. Nihilominus, cum sit aliqua similis nostrorum theologorum sententia, cui consentire mihi integrum est absque dispensatione pontificia, si P. Talbot talem revera fecit, de qua prius interrogetur, in casu quo instrumentum renuntiationis reperiri nequiret, cum de hac certo constare debeat, et ita eam instruxit ut non solum praesentia sua bona, sed etiam futura, seu spes et jura ad quaecunque bona quae ipsi jure naturae obvenire possent, collegio cuidam transcrips[*er*]it, concedo ut haereditatem nepotis ejus praetendere et sibi vindicare possit illud collegium in cujus gratiam ipse renuntiavit.

Non est porro quod memorem; unde R. V. plurimum valere cupio et sanctis suis Sacrificiis me commendo. [*Note in margin:*] Non fuit missa, sed ejus loco sequens.

No. 7, F³. **1743, August 31.**

Letter substituted for the foregoing. The whole question of a right to Father Gilbert Talbot's heritage, on the part of the Society, turns upon the form of his abdication or assignment; whether or no he did make the Society his heir as to future contingent inheritances. The General does not entertain the proposal of having the professed capacitated by pontifical dispensation to receive what might accrue by right of succession; but in any particular case he is willing to consider whether a pontifical dispensation should be asked for. Sympathy with the Province in its distress.

[7] *The thirteenth Earl of Shrewsbury.*

Leodii P. Carolo Roels Rectori. 31 augusti [*1743*].

Accepi duas R. V. epistolas 26 et 29 julii datas agentes de haereditate ac testamento P. Gilberti Talbot p. m. Bene autem advertit R. V. dispensationi a Summo Pontifice petendae jam locum non esse; nam illa ut vim haberet ante professionem praedicti patris peti debuisset. Unde solum superest ut omnis diligentia adhibeatur ad inveniendam renuntiationem ab ipso factam, antequam professionem emitteret. Si enim constaret quod ante professionem omnia sua bona et jura, tam praesentia quam futura, Societati transcripserit, non desunt auctores graves (aliis tamen contradicentibus) qui existiment Societatem vi talis renuntiationis acquirere jus ad bona seu haereditates, quae, etiam post professionem, ab intestato obveniunt. Verum de hoc mentem meam pluribus perscripsi P. Provinciali.

Ad praecavenda vero in futurum provinciae damna, certum est, salvis Constitutionibus, peti non posse generatim dispensationem qua nostri professi capaces fiant haereditariae successionis; sed, si in casu particulari aliquis spem haberet similis haereditatis aliquando obtinendae, posset id mihi proponi, ut expendam an a Summo Pontifice peti debeat talis dispensatio, qualem permittit declaratio sancti Patris Nostri, quae tamen jussu primae Congregationis Generalis ex Constitutionum libro expuncta fuit. Interim precabor Deum ut afflictae huic provinciae, tantum pro sua gloria laboranti, aliis modis, qui providentiae ipsius non desunt, benigne succurrat; ac me sanctis R. V. Sacrificiis perimpense commendo.

No. 7, G³. **1743, August 31.**

The General Retz to Charles Shireburn, Provincial. *Congratulation on the spiritual state of the Province. The case of Father Talbot's heritage does not depend upon any act of his before death, however valid in the eyes of the civil law, but upon his act before profession in the Society. Though the General De Noyelle did not entertain such a claim as that to property accruing after profession, still the right remains with the present General to recognize such a claim, as in the present condition of the English Province. Hence find Talbot's act of abdication or assignment, or else his testimony to such an effect in favour of the Province. Without this, there is no title in the Society to the Longford estate of Talbot's nephew. On Chamberlain (Pearse), who seeks readmission into the Society. It is not to be granted.*

Clarissimo D. Carolo Schireburn Provinciali Angliae. 31 augusti [*1743*].

Duas accepi D. V^{ae} epistolas 15 julii datas easque pergratas habui. Ea quae D. V. scribit de oratione et caeteris eo pertinentibus

singulari mihi fuere solatio, precorque Deum ut tam bonam animorum dispositionem in nostris conservare atque augere velit.

Quod vero attinet ad testamentum D. Talbot p. m., non improbo quod ad illam testamenti speciem D. V. illum cohortata sit, ut scilicet, si quid juris ad bona illa haberet negotiatio, illud vindicari posset. Quod autem D. V. petit ut liceat vobis uti jure, quod in illa bona per patrias leges habetis, ego contrarius non ero, dummodo id salvis nostris legibus ac justitia fieri possit; in quo sane difficultas non modica est. Optime enim novit D. V^a D^m Talbot, postquam negotiationi nostro[*ae ?*] arctissimo illo et solemni vinculo adstrictus fuit, haereditariae successionis capacem amplius non fuisse, nec potuisse amplius de bonis illis disponere. Unde non tam attendi debet ad testamentum ante mortem confectum quam ad renuntiationem factam tempore habili, scilicet ante quam solemniter profiteretur. Nam si in ea renuntiatione omnia sua bona ac jura, tam praesentia quam futura, D. V^ae vel alicui domui nostrae resignaverit, non desunt authores graves (licet aliis contradicentibus), qui sustineant posse tunc a nobis vindicari etiam illa bona seu haereditates, quae renuntianti obvenerint etiam post professionem.

Quamvis vero D. Noy[*e*]lle et alii antecessores mei, ob majorem puritatem sanctae paupertatis, noluerint tales renuntiationes quoad jura futura seu obventura post gradum a nostris acceptari, tamen, ob speciales rationes quae pro negotiatione vestra pugnant, ego non prohibeo quin D. V. vindicare possit jus illud, quod ex vi renuntiationis factae ante gradum forte vestra provincia acquisivit. Igitur majore qua fieri possit diligentia inquirendum erit in praedictam renuntiationem ut constare possit, quod D. Talbot vere jura sua etiam futura, ut dictum est, resignavit, et transcripserit negotiationi; et, si forte ipsa renuntiatio omnino inveniri nequeat, videndum, an non saltem aliunde, ex. gr. ex ipsius D. Talbot assertione, id sufficienter constet. Nam si de hujusmodi renuntiatione nullatenus constet, non video, quo jure aut titulo bona illa, quae per mortem D^ni Talbot de Longfort ab intestato obvenerunt nostro D^no Talbot, a vobis retineri aut possideri queant. Illud tamen consideret D. V. an, si jus vestrum dubium videatur, pro ratione dubii iniri queat aliqua justa compositio cum haeredibus sicque pacifice terminari molesta haec controversia.

Demum quod D. V. in eadem epistola petit pro D. Chamberling, ut scilicet in alio regno aut provincia admittatur, convenire nullatenus censeo, praecipue cum non immerito judicetur quod forte incurrerit primum ex impedimentis in quibus dispensari non potest.[8] Unde D. V. eum perhortetur ut in eo quo versatur vitae genere salutem suam in tuto ponere ac Deo servire satagat, vel potius, si ad id vocari se a Deo sentiat, alteri cuidam simili negotiationi adscribi curet.

Valeat optime D. V. et nostri, more solito, memor sit.

[8] Constitutiones S.J., prima pars, c. iii. § 3: *heresy, schism.*

No. 7, H³. **1743, September 7.**

The General Retz to Charles Roels, Rector, Liège. *On the Talbot heritage, refers him to last week's letter.*

Leodii, Patri Carolo Roels Rectori. 7 septembris 1743.

¶¶ . . . Quod ad haereditatem p. m. P. Talbot attinet, R. V. ex literis meis superiore hebdomada ad ipsam datis sensum meum abunde intellexerit. ¶¶ . . .

No. 7, J³. **1743, September 14.**

The General Retz to Charles Shireburn, Provincial. *On his success in finding Father Grey's (Talbot) act of assignment. Such an act in a legal case at Piacenza determined the verdict in favour of the Society. The heads of information now sent will be of use in any appeal which may be made by the Countess to the Propaganda. The Provincial's argument in favour of the Society drawn from the case of other Orders is not valid. For treating the cause here it will be necessary to know, if the heir named by Father Talbot for one half of the estate would have been the sole heir, had the Father himself died intestate.*

Clarissimo D. Carolo Schireburn Provinciali Angliae. 14 septembris 1743.

Duas simul accepi D. V^ae^ epistolas 29 julii et 1 augusti datas. Gratulor ex animo D. V^ae^ inventam tandem renuntiationem Domini Greii, quae omnino desiderabatur ut negotiatio vestra jus in haereditatem praetendere posset. Ob similem renuntiationem Placentiae, annis ab hinc non ita multis, in contradictorio judicio adjudicata fuit nostris haereditas, quae alicui negotiatori nostro post professionem obtigerat; cujus sententiae exemplum curabo ut ad D. Roels Leodium mittatur cum D. V. communicandum. Caeterum jam nuper scripsi D. V^ae^ me (non obstantibus antecessorum ordinationibus) contrarium non esse, nec prohibere quin D. V. vindicet jus, quod vi illius renuntiationis negotiatio nostra, juxta sententiam gravium authorum, praetendere potest.

Quod vero D. V. in altera epistola scribit Dominam Comitissam fors appellasse tribunal S. Congregationis de Propaganda, id quidem factum esse hactenus non intellexi; si tamen appellaverit, utar opportune pro bono negotiationis illis notitiis, quas D. V^a^ tam provide et accurate mecum communicavit.

Quod attinet ad casum D. V^ae^ propositum, id solum animadvertendum videtur, non esse plenam paritatem nostrae negotiationis cum aliis similibus familiis; quae in suorum professorum haereditates ab intestato de

jure communi succedere possunt, quod nostrae non competit, nisi vi renuntiationis ante professionem factae, juxta sententiam nonnullorum authorum, aliis tamen, ut nuper scripsi, contradicentibus. Videre potest D. V^a Constit. p. 6, c. 2, n. 12.

Demum rescire cuperem an ille, cui bonorum medietatem D. Talbot, in testamento ante mortem confecto, reliquit, fuisset unicus haeres ab intestato, an vero alii etiam aequale jus habuissent, si praedictus D. Talbot intestatus obiisset; haec enim notitia ad causam hanc rite tractandam, si forte huc transferretur, non inutilis nobis erit. Valere optime D. V^am, et nostri more consueto memorem esse cupio.

No. 7, K³. **1743, September 14.**

The General Retz to Charles Roels, Rector, Liège. *On Gilbert Talbot's act of assignment. On the parallel case of Piacenza. A copy shall be sent of that judicial decision.*

Leodium, P. Carolo Roels R[*ectori*]. 14 septembris [*1743*].

¶ . . . Gratulor simul inventam tandem renuntiationem P. Gi[*l*]berti Talbot, et quidem talem qualis desiderabatur ut in haer[*ed*]itatem illam jus aliquod habere aut praetendere possimus. Sed neque deest id quod R. V. optat, scilicet sententia in simili casu lata pro Societate; nam, ante annos non ita multos, Placentiae in contradictorio judicio adjudicata fuit Societati haereditas, quae patri alicui nostro post suam professionem ab intestato obvenerat, qui tamen ante professionem bona sua juraque omnia etiam futura Societati transcripserat. Dabo operam ut sententiae illius exemplar seu documentum authenticum ad vos mittatur. ¶ . . .

No. 7, L³. **1743, October 5.**

The General Retz to Charles Shireburn. *On the new educational establishment at Boulogne-sur-Mer.*

Clarissimo D. Carolo Shireburn. 5 octobris [*1743*].

¶ . . . Caeterum ex animo D. V^ne gratulor solatium, quod ex domicilio Bononiae-ad-mare excitato percipit; quanto enim uberiorem subinde istum fructum pro emolumento familiae nostrae foret, tanto magis D. V^ne labores in seros usque annos commendabit et quam exinde commerita est laudem faciet perennare. ¶ . . .

No. 7, M³. **1743, October 19.**

The General Retz to Charles Shireburn. *Another acknowledgment of having received the Talbot act of assignment.*

Clarissimo Domino Carolo Schireburn. 19 octobris [*1743*].

Literas D. V^ae^ 29 julii signatas cum renunciatione Domini Grey superiore mense per cursorem ordinarium ad me delatas fuisse, D. V. ex responso meo ad eas 14 septembris reddito haud dubie jam collegerit. Aperui autem tum supra negotio mihi exposito satis prolixe mentem meam, ut nunc nihil singulare, quod aut circa illud notandum, aut etiam postremis D. V^ae^ literis 22 aug. ad me datis respondendum esset, occurrat. ¶ . . .

No. 7, N³. **1743, October 19.**

The General Retz to Charles Roels, Rector, Liège. *Sends an authenticated copy of the Piacenza decision.*

Leodium, P. Carolo Roels R[*ectori*]. 19 octobris [*1743*].

¶¶ . . . R. V., cujus SS. Sacrificiis me commendo. P. S. Ad quam hac occasione dirigo copiam authenticam sententiae Placentinae, quam alias pollicitus sum. Cupio illam quam primum, securissima qua poterit via, P. Provinciali communicare.

Here the handwriting of the General himself begins; and with it cease the grammatical errors of the last amanuensis, otherwise a clear and elegant penman. The General's own drafts are difficult to decipher, especially on account of the corrections.

No. 7, O³. **1743, November 23.**

The General Retz to Charles Shireburn. *Approval of Father Carteret's answering Stonor, Bishop of the Midland District, who has undertaken to assail the internal and temporal affairs of the Society. Thanks for the answers received to questions put. The Piacenza decision already communicated to the Provincial. The distressed condition of the English Province. Father Chamberlain (not Pearse) and his journey.*

Clarissimo D. Carolo Schireburn. 23 novembris [*1743*].

Ex datis ad me 3 octobris intellexi quanta industria negotiationis jura curet et tueatur. Illa impugnari ab ipso Ill^mo^ Episcopo Meditullii [*Midland District?*] aegre tuli; defensionem adversum ejus epistolas pro stabilienda status interioris et rei familiaris authoritate a D. Carteret paratam fuisse approbo et Clarissimae Dominationis vigilantiae atque sollicitudini pro negotiatione nostra gratias debeo. Responsum ad quaesita a me capita eodem cursore accepi. Interim submissa a nobis et

jamjam obtenta de Placentina causa decisio non modicum lumen et adjumentum causae nostrae afferre poterit.

Reditus et onera esse incertissima non miror, eo nempe loco esse videns, quo ipsa tempora. D. Chambling [*Chamberlain?*] de praeteritis monitum laudo eumque profectionem initurum gaudeo. ¶ . . .

No. 7, P³. **1743, December 21.**

The General Retz to Shireburn. *On behalf of Father Nicholas Walz, Province of the Upper Rhine, who offers to serve in Pennsylvania. This letter withheld.*

Clarissimo D. Schireburn. 21 decembris [*1743*].

Significo Clarissimae D. V. D. Nicolaum Walz ex Rheno Superiore se mihi commendasse et supplicasse ut negotiationi nostrae in Pensilvania adlegetur, cui strenuam operam addicit et pluribus de causis idoneus mihi videtur. Quare, si D. V. suppetiis et adjutoribus opus habet, mihi significet, ut eum evocare et mittere queam. D. V^m^ cum omnibus negotiatoribus bene valere et solitam mei memoriam habere cupio. Non est missa.

No. 7, Q³. **1743, December 28.**

The General Retz to Shireburn. *Repeats the foregoing about Father Walz's offer.*

Clarissimo Domino Schireburn. 28 decembris [*1743*].

¶ . . . Eadem occasione significo D. V^ae^ D^m^ Nicolaum Walz . . . habere cupio.

No. 7, R³. **1743, December 28.**

The General Retz to Father James Lancaster, Martinique. *Answers a long letter of Lancaster's about the closing of his old mission against him, with directions for his immediate guidance. The mission of Malabar is not available for him. The English Provincial will, no doubt, provide a place and work.*

Martinicam, P. Jacobo Lancaster. 28 decembris [*1743*].

Inexpectata mihi accidit R. V^ae^ epistola, quam prolixam et fusam attente legi, ac doleo quod R^a^ V^a^ ad priorem missionem suam redire non possit. Interim loco quo degit persistat, dum aliò applicari queat. Scribam de hoc ipso moderno P. superiori suo, ut de officio aliquo R.

V^ae^ provideat. Circa missiones in Malabaram, quas petit, tantae sunt difficultates ut in modernis circumstantiis R. V^ae^ gratificari non valeam. Poterit interim scribere et tractare cum P. suo Provinciali Angliae ut in provinciam revocetur, neque deerunt extra Angliam loca [*in*] quibus secure degere, et munera quae obire queat. Precor ut R. V. bene valeat, me vero jugi in Sacrificiis memoriae commendo.

No. 7, S³. **1744, January 4.**

The General Retz to Shireburn, Provincial. *Commends the Talbot case. Refers to the Piacenza decision already communicated.*

Clarissimo D. Schireburn Provinciali. 4 januarii [*1744*].

¶¶ . . . Negotium notae haereditatis totum D. V. circumspectioni et pro negotiatione nostra compertae industriae commendo. Agat fortiter et sapienter, ut solet. Causam Placentinam D. V^a^ interim a P. Roels accepisse credam. His me D. V. et omnibus negotiatoribus nostris in memoriam solitam commendo.

No. 7, T³. **1744, February 8.**

The General Retz to Shireburn. *Congratulations on the compromise made in the Talbot heritage case, on a basis not according to the Society's right, but still admissible. The credit due to Shireburn's dexterity and perseverance. Desires to know the particulars of the agreement, and the use to be made of the money for the permanent benefit of the Province.*

Clarissimo D. Carolo Schireburn. 8 februarii [*1744*].

Vicesima ac tertia decembris signatas accepi et in illis relationem de transacta causa haereditaria D. Talbot. Valde probo quae D. V. in hac controversia egerat et contentus [*gratulor—deleted*] tot ac tantos inter adversarios et difficillimis nobis in circumstantiis eum sortitam esse exitum, licet non aequum, tolerabilem tamen, quem mihi significavit; sortituram fortasse nunquam, nisi D. V^ae^ improbi conatus, dexteritas et circumspectio hanc pecuniae summam obtinuisset. Cuperem autem de hoc exactius edoceri et ejus pecuniae numerum definite mihi perscribi; simul etiam quid de illa constituendum sit, ut stabiles negotiationi nostrae fructus in futurum reddat. ¶¶ . . .

No. 7, U³. **1744, May 2.**

The General Retz to Shireburn. *The order to be observed in laying out the money which comes from the Talbot heritage: first*

liquidating debts, or else investing and liquidating by instalments. Then, as to an estate in Pennsylvania,[9] *report what the Provincial councillors advise. Father Walz will wait for an opportunity to start for America. Approval of purchasing instead of renting a house for the school at Boulogne-sur-Mer.*

Clarissimo D. Schireburn. 2 maii [*1744*].

¶¶ . . . Haereditate Domini Thalbot primum onerosa debita expungenda judico; nisi fortasse summa haec pecuniaria tuto investita majorem fructum redderet, ut inde aes alienum subcessive dissolvi queat. Unde quoad fundum in Pensylvania coemendum agat cum suis consiliariis D. V^a^ et ex eorum sensu me informet.

[*Socii interim negotiationi illi propinquiores ascribi poterunt, donec hi e longinquo commodius peti queant—deleted.*] Res in negotiatione illa bene geri gaudeo. Circa D^m^ Walz D. V^a^ sine sollicitudine sit, qui alteri muneri applicabitur donec propinquiori aliquando fortuna trajici queat.

Ut vero domus cum fundo Bononiae pro nova schola comparetur omnino probo, ob ipsa incommoda quae ex conductione saepius evenire posse provide annotavit. ¶¶ . . .

No. 7, V³. **1744, May 23.**

The General Retz to Charles Shireburn, [*Provincial*]. *Expresses satisfaction at the arrangement by which the scholasticate at Liège was not regarded in the proposed allotment of the Talbot money, but only Boulogne and Pennsylvania.*

Clarissimo D. Carolo Schireburn. 23 maii [*1744*].

¶ . . . In disponenda et applicanda pecunia ex renunciatione D. Grey, ecquando obventura? nullam mentionem factam domus Leodiensis non miror, quoniam et communes negotiationis nostrae necessitates et privatae domus illius rationes ita suadent. Bononiensi vero domui et Pensylvaniae rebus eadem succurrendum uti opportunissimum judico, ita vehementer probo. ¶ . . .

Of the main series, only eight letters follow here, ending with The General Retz to Shireburn, *1744, July 18. Then follows the appendix of very private letters (1681–1769). Cf. supra, proœmium to this Series,* p. 16; *and reference there to* History, I.

[9] *Cf. infra,* No. 67.

§ 3. Narrative: Annual and other Letters, 1634–1773.

No. 8. **1634–1773.**

Annual Letter Series. *A collection* (A–X²). *For description, see* History, I. Introduction, Chap. I. § 3 (7), *General Archives S.J.*, (*b*) *Anglia, Historia.*

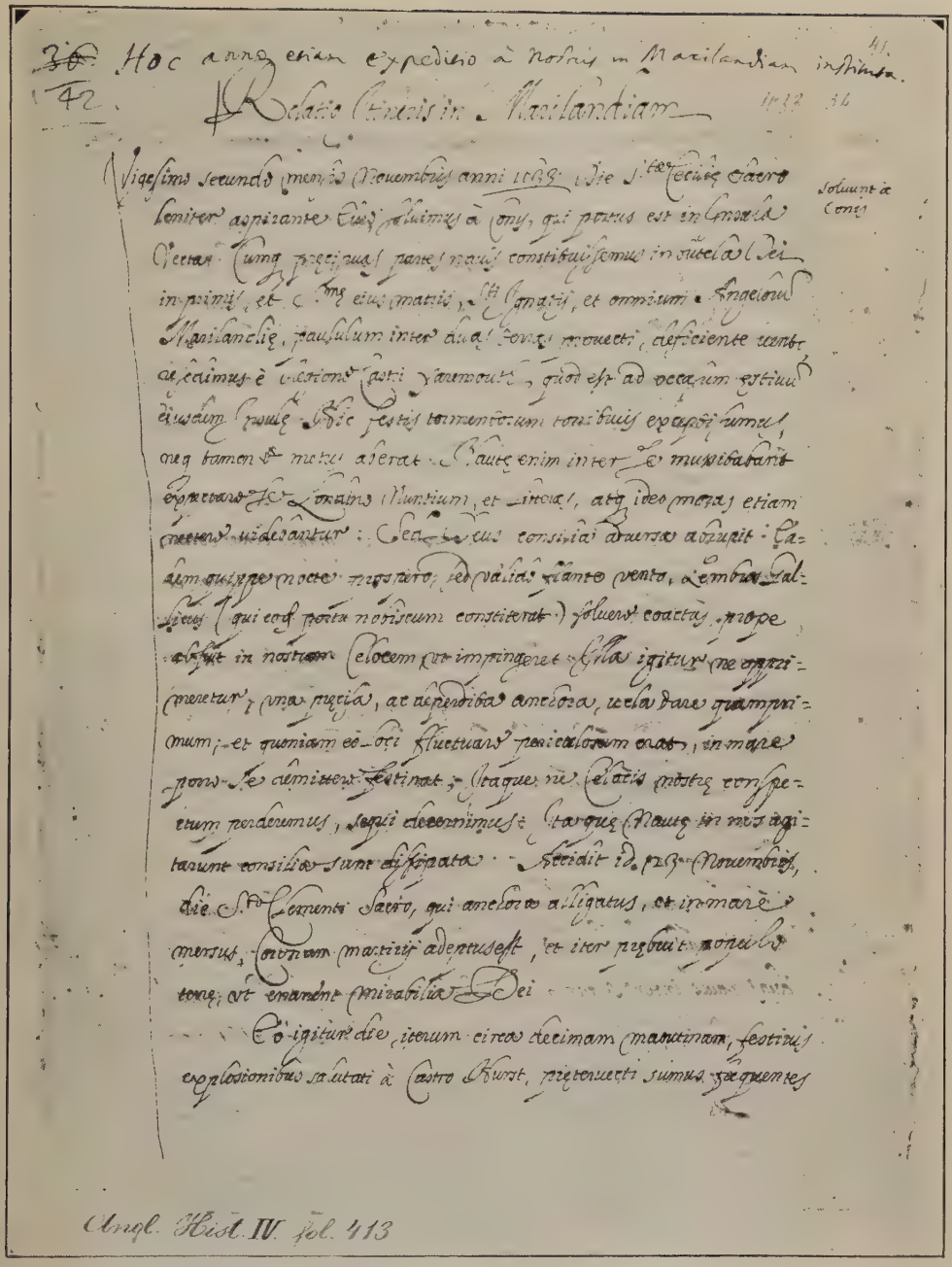
No. 8, A. **1634, May.**

Father Andrew White's Relation of the Voyage from England to Maryland, 1633–1634: the *Relatio Itineris in Marilandiam.*—*See* History, I. §§ 27, 28. *For a reproduction of first page, see facsimile, opposite.*

Relatio Itineris in Marilandiam.

Vigesimo secundo mensis novembris anni 1633 die S^tae^ Ceciliae sacro, leniter aspirante euro, solvimus a Conis, qui portus est in insula Vecta. Cumque praecipuas partes navis constituissemus in tutela Dei in primis et sanctissimae ejus Matris, S^ti^ Ignatii et omnium angelorum Marilandiae, paululum inter duas terras provecti, deficiente vento, resedimus e regione castri Yaremouth, quod est ad occasum aestivum ejusdem insulae. Hic festis tormentorum tonitruis excepti fuimus; neque tamen metus aberat. Nautae enim inter se mussitabant expectare se Londino nuntium et litteras, atque ideo moras etiam nectere videbantur. Sed Deus consilia adversa abrupit. Eadem quippe nocte, prospero sed valido flante vento, lembus Gallicus (qui eodem portu nobiscum constiterat) solvere coactus prope abfuit in nostram celocem ut impingeret. Illa igitur, ne opprimeretur, una praecisa ac deperdita anchora, vela dare quamprimum; et, quoniam eo loci fluctuare periculosum erat, in mare porro se demittere festinat. Itaque ne celocis nostrae conspectum perderemus, sequi decernimus. Ita quae nautae in nos agitarunt consilia sunt dissipata. Accidit id 23 novembris die S^to^ Clementi sacro, qui anchora alligatus et in mare mersus coronam martirii adeptus est, et iter praebuit populo terrae ut enarrent mirabilia Dei.

Solvunt a Conis. [They set sail from Cowes.]



Relatio Itineris in Marilandiam.

General Archives S.J., *Anglia, Historia*, iv. p. 413. In a Roman office hand, with additions, lines, and numbers of Father Southwell's redaction. ($\frac{3}{5}$ *scale of the original.*)

[*To face p.* 94.

Eo igitur die iterum, circa decimam matutinam, festivis explosionibus salutati a castro Hurst, praetervecti sumus frequentes scopulos ad extremum insulae Vectae, quos a forma Acus vocant; sunt autem navigantibus terrori, propter duplicem aestum maris, hinc in saxa, illhinc in vicinum littus abripientem et allidentem naves, ut alterum interim discrimen taceam, quo defuncti sumus ad castrum Yaremouth. Nam vento et aestu urgente, cum nondum recepta anchora haereremus, prope erat ut navis ad terram allideretur, nisi subito vi magna aversi, eam mari immergentes, periculum, Deo propitio, elusissemus, qui hoc etiam pignore protectionis suae nos dignatus est per merita S^ti^ Clementis.

Acus. [The Needles.]

Die illo, qui in sabbatum incidit, et nocte insequenti, ventis usi sumus ita secundis, ut postero die mane, circa horam nonam, reliquerimus a tergo promontorium Angliae occiduum et insulas Sillinas, placido cursu magis in occasum versi, legentes oceanum Britannicum, neque quantum potuissemus accelerantes, ne, celocem plus nimio praecurrentes, illa Turcis et pyratis mare illud plerumque infestantibus praeda fieret.

Insulae Sillinae. [The Scilly Isles.]

Hinc factum est ut oneraria insignis vasorum sexcentorum, cui nomen a Dracone datum est, cum Londino profecta Angolam peteret, nos circa tertiam pomeridianam assequeretur. Et quoniam periculo perfunctis voluptatis jam aliquid admittere vacabat, jucundum erat spectare has duas naves inter se cursu et tubarum clangore per horam integram contendentes, coelo et ventis arridentibus. Et superasset nostra, quamvis siparo non uteremur, nisi sistendum fuisset propter celocem, quae tardior erat; itaque cessimus onerariae; illa autem ante vesperam praetervecta conspectui nostro se subduxit.

Die igitur dominica 24, et die lunae et 25 novembris usque ad vesperam prospera usi sumus navigatione. Tum vero ventis in aquilonem obversis, tanta exorta est tempestas, ut oneraria, quam dixi, Londinensis, retrotracto cursu, Angliam et portum apud Paumonios celebrem repetierit. Celox etiam nostra, vasorum tantum 40 cum esset, viribus coepit diffidere et adnavigans monuit se, si naufragium metueret, id luminibus a carchesio ostensis significaturam. Vehebamur interim nos valida navi vasorum quadringentorum, neque aptior ex ligno et ferro construi poterat. Navarcho utebamur peritissimo; data est itaque illi optio redeundi, si vellet, in Angliam, vel cum ventis porro colluctandi, quibus si cederet, expectabat nos e proximo littus Hybernicum coecis scopulis et frequentissimis naufragiis infame. Vicit tamen navarchi audax animus et desiderium probandi quae vires essent novae, quam tum primum tractabat, navi. Sedit animo experiri mare, quod eo fatebatur esse periculosius quo angustius.

Jactati tempestate. [Tossed in a storm.]

Neque periculum longe aberat; ventis enim turgentibus et mari exasperato, circa mediam noctem videre erat celocem procul duo lumina e carchesio protendentem. Tum scilicet actum de illa esse et altis

haustam vorticibus existimabamus; momento enim conspectum effugerat, neque nisi post sex septimanas ejus indicium aliquod ad nos emanavit.

Celox perdita. [The pinnace lost.] Itaque periisse celocem cunctis erat persuasum; meliora tamen providerat Deus; nam se fluctibus imparem sentiens mature oceanum Virginium, cum quo jam nos luctabamur, devitans, in Angliam ad insulas Sillinas revertit; unde postliminio, Dracone comite ad Sinum Magnum, nos ad insulas Antillas, ut dicemus, est assecuta, Deo, cui minimorum cura est, exiguae naviculae de duce et custode prospiciente.

At vero nos eventus ignaros dolor et metus premebat quem tetra nox frequentibus foeta terroribus augebat. Illucescente die, cum africum haberemus contrarium, quia tamen languidior erat, per multas ambages lente provehebamur. Ita martis, mercurii et jovis dies, variantibus ventis, exiguo profectu abiere. Die veneris, obtinente eurnoto et glaucas cogente nubes vento gravidas, tantus circa vesperam se turbo effudit, ut momentis singulis involvendi fluctibus videremur. Neque mitiora promittebat lux insequens Andreae apostolo sacra. Nubes terrificum in morem undique concrescentes terrori erant intuentibus antequam discinderentur; et opinionem faciebant prodiisse adversum nos in aciem omnes spiritus tempestatum maleficos et malos genios omnes Marilandiae. Inclinante die, vidit navarchus piscem solis cursui solari obnitentem, quod equidem tempestatis certissimum indicium; neque fides abfuit augurio. Nam circa decimam nocturnam coeca nubes atrocem depluit imbrem. Hunc tam immanis turbo suscepit ut necesse fuerit quantocyus ad vela contrahenda accurrere; neque id fieri tam expedite potuit quam acatium, seu velum majus, quo solo navigabamus, medium a summo deorsum finderetur. Ejus pars una in mare delata aegre recepta est.

Navis fluctibus permissa. [The ship abandoned to the waves.]

Piscis solis. [The sunfish.]

Hic fortissimi cujusque, sive vectoris sive nautae, est consternatus animus; fatebantur enim vidisse se celsas naves minori procella praecipitatas. Accendit vero is turbo catholicorum preces et vota in honorem B^mae^ Virginis Matris et Immaculatae ejusdem Conceptionis, S^ti^ Ignatii patroni Marilandiae, S^ti^ Michaelis et tutelarium omnium ibidem angelorum. Et quisque animum suum sacra exomologesi expiare contendebat; nam, clavi moderamine amisso, navigium jam undis et ventis derelictum fluctuabat ut in aqua discas,[1] dum Deus saluti viam aperiret. Initio, fateor, occupaverat me metus amittendae navis et vitae; postea vero quam tempus aliquod orationi, minus pro more meo quotidiano tepide, impendissem atque Christo Domino, B^mae^ Virgini, S^to^ Ignatio, et angelis Marilandiae exposuissem propositum hujus itineris esse, sanguinem Redemptoris nostri in salute barbarorum honorare, eidem Servatori regnum (si conatus tenues secundare dignetur) erigere, dotem alteram Immaculatae Virgini Matri consecrare, et similia multa, affulsit intus in animo consolatio non

Vota et preces catholicorum. [The vows and prayers of the Catholics.]

[1] *Discus?*

mediocris, et simul persuasio tam certa, nos non ab hac procella tantum, sed ab omni alia itinere isto liberandos, ut nullus apud me esse posset dubitandi locus. Dederam me orationi, cum mare saeviret maxime, et (quod ad Dei unius gloriam cedat) vix dum eam finieram, cum sedisse animadvertebam tempestatem. Id scilicet novo quodam me induit habitu animi perfuditque simul gaudio ingenti et admiratione, cum propensam Dei in Marilandiae populos voluntatem (ad quos R. V. nos misit) haud paulo amplius persentirem. Dulcissima Redemptoris nostri bonitas in aeternum laudetur. Amen.

Cum itaque deferbuisset jam mare, reliqua trium mensium navigatio placidissima fuit, ut navarchus cum suis jucundiorem se vidisse nunquam, aut quietiorem asseveraverit; neque enim unius horae passi sumus incommodum. Cum vero tres menses nomino, non dico nos tamdiu mare insedisse, sed iter integrum et moras, quas in Antillis insulis traximus, adnumero; navigatio enim ipsa septem hebdomadas et duos solummodo dies tenuit, idque censetur iter expeditum.

Reddita salus. [Reassured of safety.]

Ab eo igitur tempore quando littus Hispaniae legebamus, neque adverso, neque vento admodum prospero usi fuimus. Verebamur Turcas, nullos tamen habuimus obvios; receperant fortasse se ad solemne jejunium, quod jam Isom vocant, celebrandum; in illam enim anni tempestatem incidebat. Praetervectis autem Fretum Herculeum et Maderas, et ventis puppi vela implentibus (qui non jam vagi sed ad austrum et africum, qui noster erat cursus, constanter sedent), apparuerunt tres naves, quarum una nostram mole superabat; distare autem videbantur ad tres circiter leucas versus occidentem et nobis obviam conari, interdum etiam ad invicem ultro citroque mittere et percontari. Cum suspicaremur esse Turcarum pyraticas, expediebamus quaecumque ad pugnam erant necessaria. Neque deerant ex nostris qui navarchum imprudentius stimularent ut eas ultro aggrederetur ac lacesseret; sed dominum habebat cui, cum reddenda erat ratio, probabilem se posse pugnae causam afferre dubitabat. Et quidem conflictum difficilem habiturum fuisse existimo; quamquam fortasse quantum ab illis nos, tantum nos illi metuebant, et erant, ut conjectura assequor, mercatores qui ad Fortunatas non procul dissitas tendebant, et vel non poterant nos assequi, vel nolebant.

A Turcis metuunt. [Fears of the Turks.]

Hinc ad insulas Fortunatas delati, Sinu Magno suscepti fuimus, in quo nullus metus, nisi a malaciis, quae cum 15 diebus et tribus aliquando septimanis perdurent, deficit navigantes commeatus. Id vero raro et vix saeculo uno semel aut iterum accidit; frequentissime nihilominus trahendae sunt morae, deficiente vento; qui, cum spirat, unus et idem semper est huic nostrae navigationi propitius. In hoc sinu confecimus milliarium Italicorum tria millia, plenis velis mare secantes, nusquam impediente malacia, nisi quandoque circa meridiem una hora.

Sinus Magnus [The Great Gulf.]

Haud facilem invenio rationem tam constantis venti, nisi forte id oriri quis dixerit ex vicinia solis inter duos tropicos intercurrentis et vi sua attrahentis ex mari duo genera meteorum, siccum unum ex marina salsedine, alterum humidum ratione aquae: ex priori fit ventus, ex posteriori generantur pluviae. Sol itaque utrumque ad se evehens causa est cur eundem cum sole obliquum semper cursum servent solemque perpetuo sequantur. Atque eadem potuit esse ratio cur inter duos tropicos experti sumus ingentem simul calorem et copiosam pluviam, idque constanter mane, meridie, vespere, vel saltem ventos iis horis vehementiores. Hinc etiam deduci potest ratio cur hoc tempore sinus a malaciis liber fuerit: nam sol in tropico capricorni existens ultra lineam aequinoctialem, et ad ejusdem lineae extremam partem meridionalem declinans (ut nobis accidit inter 13^{m} et 17^{m} gradum aequatoris positis, quando mensibus nostris hybernis calores sunt ibi quanti aestivis mensibus in Europa), attrahit oblique ventum et pluviam ad lineam aequinoctialem; atque inde iis mensibus venti sunt certiores, et in hoc sinu praesertim et versus tropicum cancri; frequentiores autem sunt malaciae, cum aestivo tempore sol aequatorem transit ad nos attrahitque meteora salsa et aquea, non oblique sed fere perpendiculariter.

Cur hic sint venti et pluviae certae? [Why these fixed winds and rains?]

Hic autem non possum non extollere divinam bonitatem, quae diligentibus Deum facit ut omnia cooperentur in bonum. Si enim, nulla injecta mora, licuisset eo tempore solvere quo constitueramus, mensis scilicet augusti vigesimo, sole cis aequatorem verticem feriente, intensissimi calores non solum annonae labem, sed plerisque omnibus morbos mortemque attulissent. Mora saluti fuit; nam hyeme conscendentes hujusmodi incommodis caruimus; et, si consuetas navigantibus nauseas excipias, nemo morbo aliquo tentatus est usque ad festum Nativitatis Domini. Is dies ut celebrior esset, propinatum est vinum, quo qui usi sunt intemperantius, febri correpti sunt proxima luce numero triginta, et ex iis, non ita multo post, mortui sunt circiter duodecim; inter quos duo catholici magnum apud omnes desiderium reliquerunt Nicolaus Farfaxius et Jacobus Barefote.

Morbi ex vino. [Sickness from drinking wine.]

Inter navigandum, multa occurrebant curiosa: in primis pisces qui modo aequor, modo aëra sublime pinnis secabant, passerum magnitudine vel majorum splanularum, quas valde etiam gustu pergrato referunt. Centeni gregatim se in aëra librant, delphinos cum fugiunt insequentes. Eorum aliqui, deficiente pinnarum remigio, in nostram navem deciderunt; nam uno impetu non amplius quam duorum vel trium jugerum spatium pervolant; tum pinnas aërem verberando exsiccatas aquis rursus immergunt et se iterum coelo committunt. Cum ab aequatore uno et viginti gradibus et aliquot minutis abessemus, ubi tropicus incipit, videre erat aves quas a loco tropicas vocant in aëre pendulas. Illae cum falconem mole

Pisces volantes. [Flying fish.] *Aves tropicae.* [Tropical birds.]

adaequent, duabus praelongis et albentibus plumis in cauda conspicuae, incertum est an aëri perpetuo insideant, an quandoque aquis se sustentent. Caetera ut aliorum litteris nota omitto.

Cum insulas Fortunatas essemus praetervecti, D^nus^ Leonardus Calvert praefectus classis agitare coepit quas merces et unde comparare posset navi reduci onerandae quo fratris sui Baronis de Baltimor sumptibus caveret; illi enim ut totius navigationis principi onus integrum incumbebat. In Virginia a nostratibus nihil commodi sperabatur, sunt enim huic novae plantationi infensi. Itaque ad insulam S^ti^ Christophori tendebamus; cum, consilio adhibito verentes ne ea anni sera tempestate alii nos praevenissent, proras obvertimus ad austrum, ut Bonavistae potiremur; quae insula Angolae opposita in littore africano, gradibus 14 ab aequatore, statio est Holandorum salem conquirentium, quem deinde vel domum, vel ad piscem in Groelandia condiendum conferunt. Copia salis atque etiam caprarum, quarum insula ferax est, eo nos invitabat; nam alioqui habitatore nullo utitur. Pauci tantum Lusitani, exilio propter scelera pulsi, vitam ut possunt trahunt. Vix ducenta milliaria confeceramus, cum mutatis iterum quorundam suggestione consiliis, ne commeatus in tanto circuitu nos deficeret, deflectimus ad Barbados.

Bonavista sale et capreis abundat. [Bonavista abounds in salt and goats.]

Est ea Carebum seu Antillarum insularum infima, ab aequatore 13 tantum gradibus distans, caeterarumque (quae in modum arcus ad usque Sinum Mexicanum longo tractu protenduntur) granarium. Ad hanc ut appulimus tertio januarii, in spem venimus multarum commoditatum ab incolis Anglis et consanguineo gubernatore; sed conspiratione facta modium tritici, qui in insula medio floreno Belgico veniebat, nobis non nisi quintupla proportione, duobus florenis cum dimidio, vendere decreverunt. Nefrendem unum quinquaginta florenis licitabant; pullum Indicum viginti quinque, caetera ejus generis altilia minora tribus florenis; bovinam seu vervecinam nullam habebant; vivunt enim pane Indico et potatis, quod radicum genus tanta affluentia provenit, ut plaustra integra gratis auferre liceat.

Barbados. Merces carae. [Supplies dear.]

Hominum acerbam severitatem divinae Providentiae consideratio mitigavit. Intelleximus enim ad insulam Bonavistae stare classem Hispanicam quo exteros omnes salis commercio prohiberent: illo si porro contendissemus itinere constituto, in casses [*classes?*] praeda facti decidissemus. Majori interim periculo ad Barbados erepti. Famuli per totam insulam in necem dominorum conspirarant; tum scilicet in libertatem asserti navi, quae prima appelleret, potiri statuerunt et tentare maria. Conjuratione patefacta per quendam, quem facti atrocitas deterrebat, supplicium unius ex praecipuis et insulae securitati et nobis saluti fuit; nostra enim navis, ut quae prima littori applicuit, praedae destinata

Divina Providentia. [The Divine Providence.]

fuerat, et eo ipso die quo appulimus octingentos in armis reperimus quo recentissimo sceleri obviarent.

Miranda quaedam narrare libet quae haec insula profert. Triginta milliaria continet longitudo, latitudo 15, gradibus 13 distat ab aequatore, calore tanto ut hibernis mensibus incolae lineis vestiantur et aquis se saepius immergant. Messis tum erat cum appulimus. Nisi frequentes venti aestum temperarent, impossibilis esset habitatio. Lecti sunt stragula vestis ex gossipio affabre texta; in hac, cum est quiescendi tempus, funibus appensa ad duos hinc inde palos dormiunt; de die iterum quocumque libet auferunt. Merces praecipuae sunt frumentum et Gossipium. Jucundum est videre modum et copiam pendentis ex arbore gossipii. Arbor ex qua nascitur major non est Oxyacantho (quam vulgus Berberin vocat), quamquam arbori quam spinae similior. Haec nodum fert magnitudine juglandis, forma acutiori, qui in quatuor partes dissectus gossipium nive candidius et pluma mollius in speciem nucis convolutum fundit. Gossipio sex parva semina insident viciae aequalia, quod tempore suo collectum et rota quadam a semine expeditum condunt in saccos et adservant.

Calores immensi. [Intense heat.]
Lecti. [Hammocks.]
Gossipium. [Cotton.]

Brassicae genus admirandum est, quae cum caulem habeat in centum et octoginta pedum altitudinem excrescentem, vel cruda editur vel elixa. Caulis ipse ad unius ulnae mensuram sub fructu habetur in deliciis; crudus admixto pipere sapore cardium Hispanicum superat, et juglandi nudatae propior. Ingens caulis arboris bene magnae truncum adaequans, neque tamen arbor sed legumen, brassicam fert non amplius unam. Ibidem videre est arborem satis proceram quam Saponem vocant. Grana saponis nucem avellanam non excedunt magnitudine; horum pinguis tunica; saponis instar, purgat et detergit, quamquam, ut aiunt, lino tenuiori inimica. Ex his granis multa mecum ablata in Marilandiam mandavi terrae futurarum arborum semina. Inter arbores etiam numerant Palmam Christi. Quamquam truncum illa habeat porosum et legumini similem, racemum fert ingentem seminum coloris subcinericii, spinis armatum et nigris maculis inspersum. Ex his praestans oleum exprimitur. Mala aurea, citrina, granata, nuces etiam, quas Hispani cocos vocant, caeterique calidarum regionum fructus ubertim proveniunt.

Ingens brassica. [A huge cabbage.]
Palma Christi. [The Palm of Christ.]
Gnavar.
Pupaes.
Nux Pinea. [Pineapple.]

Est et fructus qui Gnavar dicitur, coloris aurei, forma citri minoris, gustu tamen referens Cydonium. Pupaes colore est et forma non absimilis, sed praedulcis cum sit condiendis tantum cibis adhibetur.

Praecellit autem caeteros, quos alibi terrarum gustavi fructus, Nux Pinea. Est ea coloris aurei virore mixta gratissimo, tres vel quatuor ejusdem nominis nuces Europaeas mole adaequans, figura non admodum dissimili, sed operosiore, non tot distincta loculamentis et modulis, qui ad ignem adhibiti nucleum reddant, sed mollis et tenella involuta membranula, gustui jucundissima, nullo aspera acino, sed a summo deorsum

aequaliter palato arridens; neque deest quam meretur corona; haud dubio enim regina fructuum appellari potest. Gustum habet aromaticum et quantum conjectura assequor fraga vino saccaroque mixta referentem. Sanitati conservandae plurimum confert, corporum constitutioni tam apte consentiens ut licet ferrum exedat, hominem tamen, si qua res alia, quam maxime corroboret; neque praecelsa hanc quaeras in arbore, sed unam una ex radice quasi cardu[*i*] Hispanici prominentem. Optabam me nucem unam Paternitati Vestrae cum hisce litteris tradere potuisse in manus; nihil enim illam praeter ipsam pro dignitate potes[*t*] describere.

Vigesimo quarto januarii de nocte subductis anchoris et circa meridiem sequentis diei relicta ad laevam insula S^tae^ Luciae, sub vesperam tenuimus Matalinam. Hic duo lintres nudorum hominum molem nostrae navis veriti, pepones, cucurbitas, fructus platani et psittacos, de longe ostentabant commutandos. Gens effera, procera, obesa, pigmentis purpureis nitens, ignara Numinis, carnium humanarum avida et quae Anglorum interpretes aliquot pridem absumpserat, regionem incolit in primis fertilem, sed quae tota lucus sit, nulla planitie pervia. Aplustro albo in signum pacis proposito, eos qui se a longe ostentabant invitavimus ad commercia; sed indicium aversati insignia consueta proposuerunt. Cum his ostensis quinam essemus intellexissent, animis resumptis accessere propius, sed paucis tantum tintinnabulis et cultellis acceptis, praepotenti navi non nimium fidentes, celocem adeunt, promittentes se, si subsistere decerneremus, sequenti die meliores merces allaturos. Capiet olim aliquem, uti spero, derelicti hujus populi miseratio. Apud nautas increbuit rumor (ortus a Gallis quibusdam naufragis) reperiri in hac insula animal, cujus fronti lapis inusitati splendoris insidet, prunae vel candelae ardenti similis. Huic animali Carbuncae nomen indiderunt. Rei fides sit penes authorem.

Sta Lucia. [Sancta Lucia.] *Matalina.* [Martinique.] *Insulae Antillae sive Cerebum.* [The Antilles or Carib Islands.]

Die proximo illucescente, alteram Carebum insularum attigimus, quam asperorum montium similitudo Hispanicae Guadalupae fecit cognomen, estque, uti confido, sub tutela ejusdem S^mae^ Virginis Matris. Inde Monserratem tenuimus circa meridiem, ubi ex lembo Gallico intelleximus nondum nos ab Hispanorum classe tutos esse. Habet Montserrate incolas Hybernos pulsos ab Anglis Virginia ob fidei catholicae professionem. Tum ad Moevium pestilenti aëre et febribus infamem. Uno die absumpto, vela fecimus ad S^ti^ Christophori, ubi decem dies substituimus [*substitimus*] a gubernatore Anglo et capitaneis duobus catholicis amice invitati; me in primis benigne accepit coloniae Gallicae in eadem insula praefectus.

Guadalupae. [Guadeloupe.] [*Montserrat.*] *Moevis.* [Nevis.] *Sti Christophori.* [St. Christopher.]

Quaecumque apud Barbados rara visuntur hic etiam reperi, et praeterea non procul a praefecti sede montem sulphureum, et, quod admireris magis, Plantam Virginem, sic dictam, quod minimo digiti contactu confestim marcescat et concidat, quanquam data mora reviviscens iterum assurgat.

Placuit mihi in primis Locusta arbor, quam suspitio est praebuisse victum S^to^ Joanni Baptistae; ulmum adaequat altitudine, apibus tam grata ut libentissime illi favos suos implicent; mel, si nomen silvestris demas, neque colore, neque sapore a purissimo quod gustavi melle differt. Fructus etiam Locustae nomen retinens in duriori cortice sex fabarum, siliquis pari, medullam continet mollem, sed tenacem, gustu farinae similem melle mixtae; semina fert grandiuscula quatuor vel quinque coloris castanei. Horum aliqua terrae inserenda asportavi.

Mons sulphureus. Planta Virgo. Locusta arbor et fructus. [A sulphur mountain. The virgin plant. The locust tree and fruit.]

Ac tandem hic solventes, Caput quod vocant Consolationis in Virginia tenuimus 27 februarii, pleni metu ne quid mali nobis machinarentur Angli incolae, quibus nostra plantatio ingrata admodum erat. Litterae tamen, quas a rege et a summo Angliae quaestore ad earum regionum praefectum ferebamus, valuere ad placandos animos, et ea quae nobis porro usui futura erant impetranda. Sperabat enim praefectus Virginiae hac benevolentia erga nos facilius e fisco regio magnam vim pecuniae sibi debitae recuperaturum. Sparsum tantum rumorem nunciabant adventare sex naves, quae omnia sub Hispanorum potestatem redigerent; indigenas ea propter omnes in armis esse; quod verum postea experti sumus. Rumor tamen, vereor, ab Anglis ortum habuit.

Caput Consolationis in Virginia. [Cape Comfort in Virginia.]

Post octo vel novem dierum benignam tractationem, tertio martii vela facientes et in sinum Chesopeach invecti, cursum ad aquilonem defleximus, ut fluvio Patomeach potiremur. Sinus Chesopeach latus decem leucas placide inter littora labitur, profundus quatuor, quinque, sex et septem orygis, piscibus cum favet annus scatens. Jucundiorem aeque lapsum vix invenies. Cedit tamen fluvio Patomeach, cui nomen a S^to^ Gregorio indidimus.

Sinus Chesopeach. Patomeach fluvius, sive S. Gregorii. [Chesapeake Bay. Potomac, or St. Gregory's River.] [*Cape St. Gregory.*]

Jam enim optata potiti regione, nomina pro re nata distribuebamus. Et quidem promontorium, quod est ad austrum, titulo S^ti^ Gregorii consecravimus, aquilonare S^to^ Michaeli, in honorem omnium angelorum Marilandiae indigitantes. Majus jucundiusve flumen aspexi nunquam; Thamesis illi comparatus vix rivulus videri potest; nullis inficitur paludibus, sed solida utrinque terra assurgunt decentes arborum silvae, non clausae vepretis vel subnascentibus sarcubis [*surculis?*] sed quasi manu laxa consitae ut libere quadrigam inter medias arbores agitare possis. In ipso ostio fluminis armatos indigenas conspeximus. Ea nocte ignes tota regione arserunt; et, quoniam nunquam illis tam magna navis conspecta fuit, nuntii hinc inde missi narrabant, canoam insulae similem adventasse; tot homines quot in silvis arbores. Processimus tamen ad insulas Ardearum, sic dictas ab inauditis examinibus hujusmodi volucrum. Primam quae occurrit S^ti^ Clementis nomine

Promontorium ejusdem S. Michaelis. [Cape St. Michael.]

Indigenarum metus et admiratio. Insulae Ardearum. Lintea deperdita. [The fear and wonder of the natives. The Heron Islands. Linen lost.]

appellavimus; secundam S^tae^ Catharinae; tertiam S^tae^ Ceciliae. Descendimus primum ad S^ti^ Clementis, ad quam nisi vado non patet accessus propter declive littus. Hic ancillae, quae ad lavandum exscenderunt, inverso lintre paene submersae sunt, magna parte meorum etiam linteorum deperdita, jactura in his partibus non mediocri.

Abundat haec insula cedro, saxifragio, herbis et floribus ad omnis generis acetaria componenda, nuce etiam sylvestri, quae juglandem fert praeduram, spisso putamine, nucleo parvo sed mire grato. Cum tamen quadringentorum tantum jugerum [*esset*] latitudine, visa est non ampla satis futura sedes novae plantationi, quaesitus est tamen locus castro aedificando ad prohibendos exteros fluvii commercio finesque tutandos; is enim erat angustissimus fluminis trajectus.

Die Annunciationis S^mae^ Virginis Mariae primum in hac insula litavimus: id in hac coeli regione nunquam antea factum. Sacrificio peracto, sublata in humero ingenti cruce quam ex arbore dedolaveramus, ad locum designatum ordine procedentes, praefecto et commissariis caeterisque catholicis adjutantibus, trophaeum Christo Servatori ereximus, litaniis S^tae^ Crucis humiliter flexis genibus magna animorum commotione recitatis.

Prima missa. Crux erecta. [The first Mass. A cross erected.]

Cum autem intellexisset praefectus imperatori Pascatawaye complures parere regulos, illum adire statuit, ut explicata itineris nostri causa, et ejus unius conciliata voluntate, facilior ad caeterorum animos pateret ingressus. Itaque juncta celoci nostrae altera quam in Virginia conduxerat, et navi in anchoris relicta ad S^tum^ Clementem, cursu circumacto ad australem partem fluminis exscendit; cumque barbaros ad interiora fugisse comperisset, progressus est ad civitatem, quae a flumine desumpto nomine Patomeach etiam dicitur. Hic regi puero tutor erat patruus nomine Archihù puerique vices in regno habebat, vir gravis et prudens. Is patri nostro Altham, qui comes additus erat praefecto (me etenim etiamnum detinebat ad sarcinas), quaedam quae [!] per interpretem de gentilium erroribus explicanti libenter aures dabat, suos identidem agnoscens; utque edoctus nos non belli causa sed benevolentiae gratia eo appulisse, ut gentem rudem civilibus praeceptis imbueremus et viam ad coelum aperiremus, simul regionum longinquarum commoda iis impartituros, gratos advenisse monstravit. Interpres erat ex protestantibus Virginiae. Itaque cum plura pro tempore disserere non posset pater, promisit se non ita multo post reversurum. Id mihi ex animo accidit, inquit Archihù; una mensa utemur, mei quoque asseclae pro te venatum ibunt, eruntque inter nos omnia communia.

Convenitur Rex Patomeach et Imperator. [Interview with the King of Potomac and the Emperor.]

Hinc itum ad Pascatawaye, ubi omnes ad arma convolarant. Quingenti circiter arcubus instructi in littore cum imperatore constiterant. Signis pacis datis, imperator metu posito celocem conscendit, et, audito nostrorum benevolo erga eas gentes animo, facultatem dedit qua imperii ejus parte vellemus habitandi.

Interim dum praefectus apud imperatorem in itinere esset, barbari ad S^tum^ Clementem audentiores facti se vigilibus nostris familiarius admiscebant. Excubias enim interdiu noctuque agebamus, tum ut lignatores nostros tum ut aphractum, quem tabulis costisque solutis allatum aedificabamus, ab repentibus insultibus tutaremur. Voluptati erat audire admirantes singula: in primis ubinam terrarum tanta arbor excrevisset, ex qua tam immensa moles navis dedolaretur; excisam enim arbitrabantur quemadmodum Indicae canoae ex uno aliquo arboris trunco. Tormenta majora attonitos omnes tenebant, haud paulo quippe vocaliora erant stridulis ipsorum arcubus, et tonitruo paria.

Praefectus socium itineris ad imperatorem adhibuerat Henricum Fleet capitaneum ex iis, qui in Virginia commorantur, hominem barbaris in primis gratum et linguae locorumque peritum. Hic initio nobis perfamiliaris, deinde Claborni cujusdam sinistris seductus consiliis infensissimus effectus, indigenarum animos qua arte potest adversus nos accendit. Interim tamen, dum inter nos amicus ageret, sedem praefecto monstravit qualem vix Europa meliorem loci benignitate ostendere potest. Igitur, a S^to^ Clemente novem circiter leucas progressi ad aquilonem, fluminis ostio illapsi sumus, cui a S^to^ Georgio nomen indidimus. Id flumen ab austro ad aquilonem ad viginti circiter milliaria procurrit antequam salsedine marina exuatur, Thamesi non dissimile. In ejus ostio duo visuntur sinus 300 navium immensae molis capaces. Sinum unum S^to^ Georgio consecravimus, alterum interius B^mae^ Virgini Mariae. Laeva pars fluminis sedes erat regis Yaocomico; nos ad dexteram exscendimus, et ad mille passus a littore avulsi civitati designatae nomen a S^ta^ Maria posuimus; utque omnem speciem injuriae inimicitiarumque occasionem praeverteremus, appensis in commutationem securibus, asciis, rastris et mensuris aliquot panni, emimus a rege triginta terrae illius milliaria, cui regioni Augusta Carolina jam nomen est.

Civitas S^tae^ Mariae.
Fluvius S^ti^ Georgii.
Augusta Carolina.
[St. Mary's City. St. George's River. Augusta Carolina.]

Sasquehanoes, gens bellis assueta, regi Yaocomio prae caeteris infesta, frequentibus incursibus omnem depopulatur agrum, et incolas ad alias quaerendas sedes periculi metu adigit. Haec causa est cur tam prompte partem ejus regni impetravimus, Deo viam legi suae et lumini aeterno his adminiculis aperiente. Migrant alii atque alii quotidie, nobisque relinquunt domos, agros, novalia. Id profecto miraculo simile est, homines barbaros, paucis antea diebus in armis adversum nos paratos, tam facile se nobis velut agnos permittere, nobis se suaque tradere. Digitus Dei est hic, et magnum aliquod emolumentum huic nationi meditatur Deus. Paucis tamen quibusdam permittitur adhuc sua inter nos habitatio in annum proximum. Tum vero liber nobis relinquendus est ager.

Sasquehanoes.

Indigenae statura sunt procera et decenti, cute a natura subfusca, quam colore plerumque rubeo misto oleo inficientes, ut culices arceant,

tetriorem reddunt, commodo suo magis intenti quam decori. Vultum aliis etiam coloribus deturpant a naso sursum caerulei, deorsum rubicundi vel e contra, variis et sane foedis terrificisque modis. Et, quoniam barba in ultimam prope aetatem carent, pigmentis barbam simulant, lineis varii coloris ab extimis labiis ad aures productis. Caesariem, quam plerumque nigram nutriunt, in nodum ad sinistram aurem circumductam vitta astringunt, addito aliquo, quod apud ipsos in pretio sit, monili. Quidam in fronte praeferunt piscis figuram cupream. Colla muniunt vitreis globulis filo insertis more torquium, quanquam hi globuli viliores apud ipsos esse incipiunt et commercio minus utiles.

Indigenarum species. Vestes. Domus. [The natives. Their dress. Houses.]

Vestiuntur ut plurimum pelle cervina, vel similis generis velo, quod a tergo fluit in modum pallii, cincti ad umbilicum perizomatis, caetera nudi. Impubes pueri puellaeque nulla re tecti vagantur. Plantis pedum velut cornu duris spinas tribulosque calcant illaesi. Arma sunt arcus et sagittae duos cubitos longae, cornu cervino, vel albo praeacutoque silice armatae; has tanta arte librant ut passerem eminus medium configant, utque se ad peritiam exerceant, lorum in sublime jaciunt, tum impulsam nervo sagittam infigunt antequam decidat. Arcu quoniam non admodum contento utuntur, metam longe positam ferire non possunt. His armis vivunt et quotidie per agros et sylvas sciuros, perdices, pullos Indicos ferasque venantur. Horum enim omnium ingens est copia, quamquam nondum nobis ipsi expedire alimenta venatu audeamus metu insidiarum.

Domos habitant ovali forma oblonga constructas, novem vel decem pedes altas. In has lumen a tecto admittitur fenestra cubitali; illa fumo etiam auferendo inservit; nam ignem medio in pavimento accendunt, et circa ignem dormiunt. Reges tamen et principes viri sua habent velut conclavia, et lectum quatuor fulcris in terram adactis et asseribus superpositis instratum. Mihi et sociis ex his casulis una obtigit, in qua sat pro tempore commode habemur, donec aedificia parentur laxiora. Illam primum Marilandiae sacellum dixeris, quanquam haud paulo decentius instructum quam cum ab Indis habitabatur. Proxima navigatione, si Deus coeptis annuat, non deerunt nostris quae caeteris in domibus sunt usui necessaria.

Gentis indoles ingenua est et laeta et quae rem probe capiat cum proponitur; gustu excellunt et odoratu, visu etiam Europaeos superant. Victitant plerumque pulte, quem Pone et Omini appellant; utraque ex tritico conficitur, adduntque interdum piscem, vel quod venatu aucupioque assecuti sunt. Cavent sibi quam maxime a vino et potionibus calidis, neque adducuntur facile ut eas degustent, nisi quos Angli suis vitiis infecerint. Quod ad castitatem attinet fateor me nondum advertisse in viro vel foemina actionem ullam, quae vel levitatem saperet; quotidie tamen nobiscum et apud nos sunt, et nostro gaudent uti consortio. Accurrunt

Indoles. Victus. Religio. [Their character. Food. Religion.]

sponte, vultu ad hilaritatem composito, et offerunt quae venati vel piscati fuerint, liba etiam aliquando et ostrea cocta vel assa, idque paucis invitati linguae ipsis vernaculae verbis, quae per signa hactenus utcumque didicimus. Plures ducunt uxores, integram tamen servant fidem conjugalem. Mulierum aspectus gravis est et modestus. In universum liberales nutriunt animos; quicquid beneficii contuleris rependunt. Nil temere decernunt aut subito arrepti motu animi, sed ratione; ideo cum quidquam momenti aliquando proponitur, silent aliquandiu cogitabundi, tum aiunt breviter aut negant, et propositi sunt tenacissimi. Hi profecto si semel christianis praeceptis imbuantur (et quidem nihil obstare videtur, praeter linguae his regionibus usitatae defectum), virtutis humanitatisque cultores egregii evadent. Miro tenentur desiderio civilis conversationis Europaeorumque indumentorum; jamque pridem vestibus fuissent usi, ni avaritia mercatorum obstitisset, qui pannos nisi castore non commutant. Castorem vero unusquisque venari non potest. Absit ut horum avaritiam nos imitemur.

Idiomatis ignorantia facit ut quid porro de religione sentiant nondum constet; interpretibus enim protestantibus minus fidimus. Haec pauca raptim didicimus. Unum Deum coeli agnoscunt, quem Deum nostrum vocant; nullum tamen honorem externum illi exhibent; omni vero ratione placare conantur phanaticum quendam spiritum quem Ochre nominant, ut ne noceat. Frumentum, ut audio, et ignem colunt, ut deos humano generi mire beneficos. Hanc ceremoniam quidam e nostris in templo Barcluxem vidisse se narrant. Die constituto e pluribus pagis convenere circa ingentem ignem omnes omnium aetatum viri foeminaeque; proxime ad ignem stabant juniores, pone illos provectiores. Tum adipe cervina in ignem conjecta et sublatis in coelum manibus et vocibus clamabant omnes: Taho Taho. Intervallo facto profert unus aliquis bene magnam peram; in pera est tubus et pulvis, quem Potre nominant; tubus est quali nostrates utuntur ad exsugendum fumum tabacci, sed multo major. Igitur pera circa ignem fertur, sequentibus pueris et puellis et voce satis grata alternantibus: Taho Taho. Circulo peracto, eximitur tubus e pera, et pulvis Potre in singulos astantes distribuitur, cujus in tubo accensi fumum quisque exugens membra corporis sui singula perflat consecratque. Plura non licuit discere, nisi quod videantur notitiam aliquam habuisse diluvii, quo mundus periit propter scelera hominum.

Uno tantum mense hic fuimus, itaque caetera proximae navigationi servanda sunt. Illud assero, solum videri in primis fertile; fragra, vites, saxifragium, glandes, juglandes, passim densissimis in silvis calcamus. Nigra et mollis terra unius pedis crassitudine insternitur pingui et rubenti argillae. Praecelsae ubique arbores, nisi ubi a paucis cultus ager. Copia fontium potum subministrat. Animalia nulla apparent praeter cervos, castorem et sciuros, qui lepores Europaeos adaequant. Infinita vis avium est versicolorum ut aquilarum, ardearum, cygnorum, anserum, perdicum, anatum. Ex quibus conjectura

Solum.
[The soil.]

est non deesse regioni quae vel commodis vel voluptati habitantium subserviant.

General Archives S.J., Anglia, Historia, iv. pp. 413–440; *a contemporary office copy made in Rome, in a familiar hand of that date, and also annotated by the hand of Father Nathaniel Southwell (Bacon).—Obvious clerical errors of the amanuensis have been corrected.—For further reference to the document, see* History, I. Introduction, Chap. I. § 5, pp. 29–31.—*Lengthy extracts translated into English are in J. T. Scharf's* History of Maryland, i. 69–77.—*For a discussion of its origin as compared with the analogous English account,* A Briefe Relation of the Voyage unto Maryland, *and for the text of the latter, see* Calvert Papers, iii. 6–12, 26–45.

Certain interpolations in the original text, as in the very first line, numbers affixed and marks of exclusion down the margin are from Father Southwell's pen, for the purpose explained in History, I. Introduction, Chap. II. § 6, pp. 63, 64. *See the facsimile of the first page, supra, facing* p. 94.

No. 8, B. 1633–1634.

Annual Letter of the English Province, 1634. *Extract recording the origin of the Maryland Mission; the voyages of three distinct detachments, priests and brothers; and an incident regarding the redemption of a Catholic sold for his religion.—See* History, I. §§ 26, 27, pp. 269, 274, 275.

Bona Regis gratia atque auctoritate, anno proximo, catholici cujusdam Baronis auspiciis, ducta est in citeriores Americae oras Anglorum magnam partem catholicorum non contemnenda colonia; profecti simul bini sacerdotes e nostris cum uno coadjutore; alius deinde sacerdos aliusque coadjutor subsecuti; quibus id propositum est ut non tantummodo apud cives operam collocent, sed barbarorum etiam conversioni ac saluti procurandae sese addicant. Ad promovendum hoc tam pium incoeptum, pecunias ac famulos, qui imprimis ibidem sunt necessarii, plures catholici perquam liberaliter contulerunt. Famulo cuidam haud sine divina providentia videtur contigisse ut a nostris, qui ultimi discesserunt, reperiretur. Noverat eum frater noster in Belgio, ac virum industrium ac fidum compererat; quare, dum se ad profectionem parat, nullam in eo conquirendo diligentiam omittit; cumque jam nulla spes reliqua hominis inveniendi videretur, conscensa navi, quae in plures colonias recentia vehebat supplementa, in hominem inexpectato incidit. Devenerat is, propter liberam fidei professionem in extremam calamitatem, maxime quod sacramento, quod vocant fidelitatis, nullo pacto sese vellet adstringere; quare e regno cum mercatore quodam haeretico, ipsius arbitrio in aliquam haereticam coloniam vendendus, pro more obibat; cum agnitum frater redimit, et tanquam ex ipsis orci faucibus ereptum et incredibili gaudio perfusum itineris sibi comitem adjungit. Bini praeterea sacerdotes nostri comites hoc anno dati cuidam viro nobili, qui incognitas terras exploratum iverat. Ii octo circiter mensium navigatione licet incommoda, ambo valetudine et gravibus morbis vicissim tentati, magno animo

perfuncti sunt, et de copiosa olim messe, in amplis et praeclaris regionibus spem non levem nobis injecerunt.

General Archives S.J., Anglia, Historia, iv. pp. 470, 471.

No. 8, C. **(1633–1634.)**

Father Henry More's statement regarding the origin of the Maryland Mission.—*Cf.* History, I. Introduction, Chap. II. § 6, p. 62.

Superioribus annis, baronis cujusdam catholici auspiciis deducta ex Anglia est colonia in Americam, non procul ea parte quam Virginiam vocant. Comitati sunt ab ipso navigationis initio ex nostris aliqui, partim catholicis ut praesto essent, partim ut haereticorum una navigantium barbarorumque salutem procurarent. . . .

General Archives S.J., Anglia, Historia, iv. p. 140; *More's* Provinciae Angliae Selectiora ab anno [16]25 ad [16]45. *The sentence is prefixed by More, under date of 1638, as a mere introduction to some anecdotes of conversions, etc., taken from the Annual Letters*, 8, G, *and* 8, J, *infra.*

No. 8, D. **(1633–1634.)**

Similar Statement on the origin of the Maryland Mission in a Review of 1646.—*See* History, I. § 18, p. 249.

STATUS PROVINCIAE ANGLICANAE SOCIETATIS JESU, AB EJUS CONSTITUTIONE USQUE AD INITIUM FEBRUARII ANNI CURRENTIS 1646.

2° Constituitur provincia intra Angliam residentiis septem: S^{ti} Joannis, S^{ti} Michaelis, S^{ti} Dominici, S^{ti} Georgii, S^{tae} Mariae, S^{ti} Thomae, et B^{ti} Stanislai. Ad has plerumque pertinent septem, vel octo, vel decem patres cum suo superiore a Provinciali constituto, quorum vivendi agendique mos idem est cum iis, qui ad collegia spectant. His accessit ab anno 1634 missio Marilandica in Indiis occidentalibus, juxta eam partem quam Angli vocant Virgineam. Eo enim cum vir quidam Ill^{mus} Anglus catholicus duceret coloniam, nostros desideravit cooperatores adjutoresque, quod Adm. Rev. Pater Noster libenti animo concessit in auxilium tum eorum qui ex Anglia proficiscebantur colonorum, tum [*in?*] spem conversionis gentium barbararum; in quo utroque fructu non poenitendo per Dei gratiam laboratum est. ¶ *On Belgium.*

General Archives S.J., Anglia, Historia, v. p. 161.—*Stonyhurst College MSS.*, Anglia, A, v. f. 65^{v}.

No. 8, E. **1635.**

Annual Letter: extract. *The number of men in Maryland, and the want of results thus far.—See* History, I. § 36, p. 334.

De hac missione (quae [*qua?*] nuper inchoata, ob plurimas quae in ea occurrunt difficultates, exiguus adhuc fructus fuit, praesertim apud barbaros quorum lingua tarde a nostratibus discitur) nihil fere scribi potest. Versantur in ea socii quinque, tres sacerdotes, coadjutores duo, qui praesentes labores futuri eventus spe cum multa sustinent alacritate.

Signed, p. 667: Henricus Morus.

General Archives S.J., Anglia, Historia, iv. p. 652.—*Published in Maryland Historical Society Fund Publication*, No. 7, p. 54, *with translation.—Also cf. the Series beginning with this extract, and continuing in large part to the end of the Annual Letter Series, in H. Foley*, Records, iii. p. 367, *but without the original Latin.*

No. 8, F. **1636.**

Annual Letter: extract. *Number of men.—See* History, I. § 36, p. 335.

Versantur in hac missione sacerdotes quatuor cum uno adjutore temporali, a quibus, quod nullae inde hoc anno perlatae sunt litterae, quid gestum sit cogimur ignorare.

Signed, p. 703: Henricus Morus.

General Archives, ubi supra, p. 693.—*Published in Fund Publication, ubi supra*, p. 54.

No. 8, G. **1638.**

Annual Letter: extract. *The labours and results in Maryland.—See* History, I. § 36, pp. 336–339.

Missio Marilandiae.

Spectabant ad hanc missionem patres quatuor cum uno rerum temporalium adjutore. Atque hic quidem, post graves labores toto quinquennio maxima cum patientia, humilitate ac ferventi charitate exantlatos, morbo tum grassante forte correptus, miseram hanc vitam cum immortali feliciter commutavit. Quem unus etiam ex patribus, juvenis quidem sed ob praestantes animi dotes magnae plane expectationis, subsequutus est. Vix duos menses in hac missione transegerat, cum, communi hujus coloniae aegritudine (a qua trium reliquorum sacerdotum nullus incolumis evasit) magno omnium dolore extinctus est. Non destitimus tamen pro virili operam in proximos impendere. Et quamvis nondum inter barbaros manere nobis per hujus coloniae moderatores liceat, tum propter invalescentes aegritudines, tum propter actus hostiles quos barbari in Anglos exercent, uno ex hac colonia, qui inter illos commercii gratia versabatur, interempto et contra totam gentem conjuratione quoque facta, speramus tamen brevi unum ex nostris inter barbaros stationem impetraturum. Interea temporis Anglis impensius vacamus, cumque in colonia tam

protestantes quam catholici essent, utrisque laboravimus, Deusque laboribus benedixit.

E protestantibus enim omnes fere qui hoc anno 1638 ex Anglia venerunt aliique multi ad fidem conversi sunt, cum quatuor servis, quos in Virginia (alia regni nostri colonia) ad usus necessarios mercati sumus, et opificibus quinque, quos in mensem conductos interea Deo lucrati sumus. Horum unus non diu post, per sacramenta ad moriendum probe dispositus, e vita decessit. Atque in his quidem vix quidquam praeterea memorabile contigit: magis memorabilia sunt quae sequuntur.

Quidam nobis plane ignotus, sed in protestantium religione fervens, apud hospitem ferventiorem commorans, ab angue (quarum in his partibus copia) morsus, praesentem mortem expectabat; quod intelligens unus ex nostris adducto secum chirurgo ad aegrum, qui jam sensibus orbatus ferebatur, contendit, animae illius quoque modo procuraturus. Sed hospes rem praesentiens pios conatus disturbavit; cumque sacerdos aliam nullam opportunitatem posset excogitare, apud aegrum pernoctare statuebat; sed hoc etiam hospes impedivit, et ne patri noctu daretur aditus custodem assignavit, qui lecto transverso ante ostium cubiculi ubi jacebat dormiret. Nihilominus sacerdos omnes captans aditus, nocte intempesta, cum custodem somno maxime oppressum credebat, viam invenit, illo non excitato, ad infirmum penetrandi, eumque volentem in ecclesiam admisit. Et, quamvis in illis angustiis non multum posset aeger instrui aut magnopere confirmari, tamen, cum praeter omnem spem a chirurgo nostro sanatus esset, divina praevalente gratia, potius elegit hospitio suo ejici quam retractare quod fecerat; quin etiam ad nos ultro veniens incoeptum opus feliciter perfecit.

Alium quemdam unus e nostris ad orthodoxam fidem nixus adducere rejectus est ab illo respondente, quod vovisset se nunquam fidem illam amplexurum. Paulo post in morbum hic miser incidit et prope ad extrema deductus est, antequam pater de aegrotante moneretur. Advolat tamen ille festinus et, privatum omni sensu infirmum, spirantem tamen reperit. Monet itaque curatores ut nutrimenti aliquid per intervalla in os aegro instillent vocentque se, si quando ad sensus ille rediret. Factum id postridie mane; et pater ad aegrum accurrens, inter colloquendum, se aliquo modo ab illo agnitum advertit, responsionem etiam ad brevem interrogationem (nec enim longiorem simul sermonem capere poterat) ab illo accipit. Praesente igitur opportunitate, ut qui posthac aliam non speraret, pater uti decrevit, cumque variis vicibus aegro consensum (ut arbitrabatur) obtinuisset quod fieri vellet catholicus, quod de peccatis doleret, quod ab eis cuperet absolvi, absolutum a peccatis sacro linivit oleo. His peractis, aeger intra unum vel alterum diem ad sensus perfecte rediit, cumque rogaretur quid egisset, vel quid circa se actum sensisset? respondit tanto cum gaudio et animi sensu, se in ecclesiam catholicam admissum fuisse et in ea ad extremum usque spiritum permansurum, ut omnibus qui aderant non parvam moverit admirationem. Idem postea

gaudium patri ad se redeunti expressit, magnaque cum ejus satisfactione caetera praestitit ad operis inchoati perfectionem necessaria. Ex eo tempore paulatim convaluit; sed, cum subsidiis idoneis fere careret diuque supinus jaceret, horrendum toto corpore natum est ulcus. Quare nos quae potuimus ei necessaria sumptu nostro procuravimus, chirurgumque misimus qui malo mederetur; et, quamvis ex ulcere magnam vermium copiam chirurgus abstulerit, solerti tamen ejus diligentia et aliorum vigilanti cura sanatus est aeger, jamque robustus est famulus, sanus (uti confidimus) tum animo, tum corpore.

Alius, genere nobilis, eo paupertatis effrenata sua licentia perductus erat, ut se in hanc coloniam manciparit ubi, per unum ex nostris ad fidem rectam et frugem bonam revocatus, anxie semper num viam securam esset ingressus dubitabat; cumque se aliquando mari in navicula parva commisisset, horribili exoriente tempestate, qualem ipse, qui inter navigandum frequentes expertus fuerat, nunquam vidisset, jamque certum naufragium videretur imminere, Deum rogavit ardenter ut in susceptae nuper a se fidei confirmationem, si quidem ea vera foret, averteretur praesens periculum. Audivit Deus orantem et, alio versa tempestate, fluctuantem ejus animum tranquilla quiete firmavit. Haud ita multo post gravi morbo vir ille deductus ad extrema, sacramentis omnibus susceptis, una circiter ante obitum hora, catholicum curatorem suum rogavit ut pro se oraret. Credibile est malum ei angelum se conspiciendum praebuisse, nam in ipso paene mortis articulo, eumdem vocans curatorem, alacri voce dixit: Nonne vides angelum meum bonum? En, ubi adstat me asportaturus; abeundum mihi est; atque ita felicem (uti sperare fas est) animam exspiravit. Post sepulturam, clarissima lux noctu circa ejus tumulum etiam a protestantibus saepius conspecta est.

Duos praeterea Gallos quidam e nostris extra coloniam excurrens reperit, quorum alter integro triennio catholicae ecclesiae sacramentis caruerat, alter jam morti vicinus, quindecim totos annos inter haereticos agens, instar illorum vixerat. Priorem pater sacramentis juvit et in catholica fide quantum potuit confirmavit; posteriorem ecclesiae catholicae restituens, sacramentis omnibus ad bene moriendum disposuit.

Quod ad catholicos attinet, sacramentorum frequentatio tanta hic est, ut major inter Europaeos pro numero catholicorum non sit. Catecheses pro rudioribus et lectiones catechisticae pro provectioribus habitae singulis dominicis; festis vero diebus conciones raro intermissae. Aegros et moribundos, qui sane hoc anno plurimi fuerunt valdeque disperse habitabant, omni ope juvimus, ut ne quidem unus sacramentis moriens caruerit. Plurimos sepelivimus, varios baptizavimus. Et, quamvis frequentes discordiarum causae non desint, nulla tamen his novem postremis mensibus momenti alicujus exorta est, quam statim non sedaverimus. Illud Dei beneficio solatium habemus quod vitiorum nihil admodum vel inter novos catholicos pullulat, quamvis hujusmodi loca non soleant ex optimo hominum genere coalescere.

Duos catholicos, qui se in servitutem vendiderant in Virginia, redemimus. Nec male impensum pretium: ambo enim se bonos christianos praestant; unus autem vulgaribus excellit. Id ipsum caritatis officium alii nonnulli praestiterunt, ementes inde servos catholicos, quorum isthic est copia; singulis enim annis plurimi in servos illic se mancipant, qui inter homines exempli pessimi viventes, omnique ope spirituali destituti, animarum plerumque jacturam faciunt.

Varios e primariis per exercitia spiritualia formavimus ad pietatem fructu non poenitendo. In uno autem singularem Dei providentiam et misericordiam veneramur, quae hominem plurimis in mundo difficultatibus implicatum et jam demum in Virginia absque animae suae subsidio fere semper viventem, ad haec exercitia non diu ante obitum suscipienda induxit; ex quibus ille tantum profecit ut de optima ratione vitae deinde traducendae secum statuerit. Hanc cogitationem vehemens morbus excepit, quem ille summa cum patientia tulit animo plerumque in Deum fixo, ac tandem sacris omnibus rite susceptis, placidissime praeter morem reliquae vitae, quae molestiis ac inquietudine plena fuit, animam Creatori reddidit.

Mortua est etiam nobilis matrona, quae inter primos in hanc coloniam veniens animo plusquam foemineo difficultates omnes et incommoda pertulit. Multae orationis erat, salutis proximorum cupidissima, bene disponendae familiae absolutum tam in se quam in domesticis exemplar, vivens Societatis nostrae studiosissima, moriens eidem benefica; cujus memoria apud omnes, ob egregia tum virtutum reliquarum, tum charitatis praesertim erga aegrotos exempla, in benedictione est. ¶ *Collegium Leodiense, etc.*

Signed, p. 789: Odoardus Knottus.

General Archives, ubi supra, pp. 773–777.—*Published in Fund Publication, ubi supra*, pp. 54–61; *and in Supplement to the same Fund Publication*, No. 7, p. 5. *Father Nathaniel Southwell's lines of exclusion, numbers, transitions, etc., made when he was editing this matter for his Relation, appear in the MSS. of this and following Annual Letters. Cf.* History, I. Introduction, Chap. II. § 6, p. 63.

No. 8, H. **1639.**

Annual Letter: extract. *Accounts of progress. Posts of the missionaries: the great Tayac. Divine service and work at St. Mary's. A particularly elegant letter.—See* History, I. §§ 38, 39, pp. 342–345.

Missio Marilandiae.

Versantur in hac missione sacerdotes quatuor, coadjutor unicus, omnes locis longe dissitis, ideo nimirum quod sic et peregrinae linguae notitiam celerius parari et sacram evangelii fidem latius propagari sperent. P. Joannes Brocus superior cum fratre coadjutore in praedio commoratur

Metapannayensi, quod nobis a Maquacomeno rege Patuxensi attributum quaedam est missionis hujus cella penaria, unde pleraque subsidia corporum suppeditantur. P. Philippus Fisherus in praecipuo degit coloniae oppido cui a S^ta^ Maria nomen inditum. P. Joannes Gravenerius in insula versatur Cantiana, inde millia passuum sexaginta. P. Andraeas Vitus longius adhuc abest millia passuum centum et viginti, Kittamaquundi scilicet, Pascatoae metropoli, apud ipsum loci imperatorem quem Tayacum appellant, in regia diversatus a junio mense anni 1639. Causa patri eo proficiscendi hujusmodi fuit.

Multum is operae et temporis in conversione regis Patuxensis posuerat, quae nimirum votis omnibus expetebatur, tum ob memoriam beneficii accepti (ille enim, ut dictum est, praedium Societati donaverat), tum quod prudentiae opinione atque auctoritate plurimum inter barbaros pollere ferebatur. Jamque, uti initia se dederant, optatus rei exitus futurus brevi sperabatur; nonnulli quippe regis clientes se ad Christum aggregaverant ipseque rudimentis fidei abunde institutus videbatur; cum ecce infelix primum procrastinare, deinde sensim defervescere, postremo a suscepto consilio palam penitusque desciscere coepit. Neque hoc tantum, sed animi etiam indicia a tota universim colonia alieni haud obscura dedit. Quam rem gubernator prudenter odoratus, de suorum consilio, patrem a regis hospitio avocandum censuit, ne vel inopinato barbarus aliquod perfidiae suae et crudelitatis exemplum in innocentem ederet, vel certe ne, hoc quasi obside apud regem relicto, impediretur ipse quominus arbitratu suo persequi injurias posset, si quando palam se Patuxensis hostem proderet.

Cum imperatores regesque memorantur, nemo animo fingat augustam virorum speciem qualis aliorum est in Europa principum. Indici enim hi reges, quamvis summam vitae necisque potestatem in suos habeant et quadam honoris opumque praerogativa anteant caeteros, cultu tamen corporis prope nihil a vulgo recedunt. Illorum proprium, quo a plebe secernas principem, gestamen est vel torques e gemma rudi contextus, vel balteus, vel chlamys subinde conchis distincta orbiculatis. Horum regna angustis plerumque unius oppidi atque agri adjacentis circumscribuntur finibus; quanquam Tayaco multo latior dominatio est ad millia passuum centum circiter et triginta protensa, cujus etiam imperio obnoxii sunt alii reguli.

Ad hunc, Maquacomeni desperata salute, se P. Andreas contulit, et ab eo vel ipso primo congressu perbenigne habitus, usque adeo sibi devinxit virum, ut exinde in summo apud eum tum amore tum veneratione fuerit. Cujus rei vel id maxime argumento est quod patrem nullo alio praeterquam aedium suarum hospitio uti voluerit. Neque quidquam imperatrix conjugi suo de benevolentia in hospitem concedit, quippe quae manibus suis (quod etiam thesaurarii uxor libenter factitat) et cibos ei condire et panem pinsere, non minori cura quam opera, consuevit. Hujusce tam singularis in patrem amoris causa ad duo somnia (nisi alio nomine

dignanda censeas) accepta referenda est. Alterum Uwanno oblatum germano imperatoris fratri, quem ante se regnantem e medio sustulit. Is enim secundum quietem visus est P. Vitum et P. Gravenerium coram intueri, vocemque insuper audire monentem, hos denique viros esse, qui ipsum cum gente sua universa ex animo diligerent atque ea secum bona deferrent, quibus, si vellet, beatus esse posset. Hinc tam viva ignotorum hominum species in mente ejus impressa resedit, ut vel primo aspectu ad se venientes noscitaret; quos deinceps singulari semper benevolentia complexus est, solitus etiam P. Vitum parentis compellare nomine; cui et filium sibi apprime carum (ut est gens omnis liberorum amantissima, nunquam fere eos a complexu dimittens) ad septem annos tradere in disciplinam voluit. Alterum Tayaco ostensum fuit, quod crebris ipse solet usurpare sermonibus; quiescenti sibi nimirum hinc suum patrem vita defunctum ob oculos versari visum, deo comitatum quem coleret, coloris obscuri, obtestante ne se desertum vellet; illinc adstare cum suo deo longe teterrimo Snowum quendam, pertinacem ex Anglia haereticum; ex alia denique parte coloniae praefectum et P. Vitum objici, comite etiam Deo sed multo pulcherrimo, qui vel intactam nivem candore anteiret, visus etiam imperatorem ad se blande allicere. Ex eo tempore tum praefectum tum patrem eximio amore prosequutus est.

Haud ita multo post P. Viti ad aulam adventum, gravi morbo in discrimen adductus est Tayacus; cumque arioli quadraginta remedia omnia frustra tentassent, pater cum bona aegrotantis venia medicinam adhibuit, pulverem nempe quendam notae virtutis aqua benedicta attemperatum, curavitque postridie a puero, quem secum habebat, ei venam incidi ad sanguinis emissionem. Hinc aeger melius in dies coepit habere, nec ita multo post plane convaluit. Ex morbo recreatus, omnino constituit secum christianis sacris quamprimum initiari, neque ipse tantum, sed conjux etiam et filiae duae, cum necdum ei sit ulla mascula proles. In eorum institutionem nunc sedulo incumbit P. Vitus; neque illi segniter coelestem capessunt doctrinam, coelitus enim infuso lumine veteris vitae errores dudum compertos habent. Pelles, quibus hactenus induebatur, imperator cum veste commutavit ad modum nostrum accommodata; nonnullam etiam dat operam linguae nostrae ediscendae. Relegatis a se pellicibus, una degit contentus uxore, ut eo liberius, sic enim ait, Deo vacet. Iis diebus carne abstinet quibus legibus christianis id cautum est, et homines haereticos secus facientes vel eo nomine malos christianos censet habendos. Sermone spirituali admodum delectatur, et sane terrenas opes prae coelestibus nihili ducere videtur; ut aliquando apud gubernatorem professus est, quo ei demonstrante quanta commoda ex Anglis mutua mercium permutatione percipi possent: Nae ego, inquit, isthaec parvi facio prae hoc uno emolumento, quod iis auctoribus in veram Dei unius notitiam pervenerim, qua non aliud mihi magis in votis est aut unquam esse debebit.

Non ita pridem cum regni conventus ageret, in frequente procerum

consessu plebisque corona, praesentibus P. Vito et nonnullis Anglis, publice testatus est, consilium sibi esse una cum conjuge liberisque, abjurata superstitione patria, Christo nomen dare; non enim aliud uspiam haberi numen verum quam apud christianos, neque alibi immortalem hominis animam vindicari ab interitu posse; lapides vero et herbas, quibus hactenus per mentis coecitatem ipse cum iis divinos honores tribuisset, res esse infimas a praepotenti Deo in usum subsidiumque humanae vitae procreatas. Quo dicto lapidem, qui forte ad manum erat, pede protritum longe abjicit a se. Satis indicavit secunda populi admurmuratio quam non alienis auribus isthaec audiret. Enimvero spes summa est, familia imperatoria baptismo lustrata, universi imperii conversionem in proclivi fore. Interea tam laeta rerum principia Deo, uti par est, gratulamur impense recreamurque praecipue, spectantes quotidie ea nunc idola dynastis contemptui esse, quae nuper in deorum numero reponebantur.

Alia res haud levis memoratu imperatorem baptismi cupiditate jamdudum accensum inflammabat magis. Indus quidam, caeso per injuriam Anglo, homicidii reus agebatur et jam neci dedendus erat, eo potissimum tempore quo Tayacus, comite P. Vito, ad coloniam veniebat. Miserum morti destinatum hortabamur ut, christianis sacris ante mortem rite susceptis, aeternae animae saluti consultum vellet. Cum ea in re minime visus esset difficilem se praebere, quantum per sermonis facultatem licuit, inclinatum hominis animum in nostram sententiam quoquo modo impellere nitebamur. Sensit pius imperator nos lingua laborare; quare sponte operam detulit suam pio negotio conficiendo. Neque fidi tantum interpretis fungi munere non est gravatus, ea ipsa homini ingerens quae a P. Vito inculcanda acceperat, sed de suo etiam nonnulla adjecit tam apposita tamque efficacia, ut et praesentibus admirationi fuerit, et ipsum denique Indum ad catholicas partes traduxerit; qui scientia necessaria imbutus et sacro fonte ablutus ad mortem se comparabat, eo maxime modo qui ipsi praescribebatur. Et vero tam vehementi Deum videndi desiderio teneri videbatur, ut supplicium maturari paulo avidius eum velle credidisses. Eximia in ore alacritas eminebat, crebro salutari crucis signo se muniebat, saepe asseveranter repetebat, quaecumque vel faceret vel diceret, non ad speciem tantum ficte simulari, sed ex intimi animi sensu ac sinu proficisci. Ut ad supplicii locum perventum est, hilari vultu quaesivit an sibi in obitu canendum esset; et cum responsum daretur, sacrosancta Jesu et Mariae nomina potius pie usurpando, eos sibi in supremo discrimine propitiaret, monentibus paruit impigre, et eodem pene momento et vitam et pias voces, praecludente spiritum suspendio, dimisit. Mortuus in coemeterio nostro humatus est ritu quam solemnissimo; ut vel inde intelligerent barbari, maleficorum licet scelera execrantes meritis ea poenis vindicent christiani, eorum tamen animas ipsos charas habere, facileque illis conciliari, si quando resipiscant. Et certe hujusmodi exemplum clementiae et charitatis in defunctum tanto vehementius eos

perculit, quanto ab eorum moribus abhorrebat magis, qui nimirum hostes suos crudelissime mactatos amicis solent epulandos apponere.

Nemo tamen Tayaco vehementius spectaculo neophyti morientis commotus fuit; quippe qui exinde impense institit ut extemplo sibi fieret baptismi copia. Re tamen in consilio agitata, e majori Dei gloria futurum videbatur, si tantisper id differretur, dum apparatu splendido in summa celebritate atque in oculis popularium peragi posset, conjuge etiam liberisque in partem tum felicitatis tum laetitiae venientibus.

Imperator tandem, multis catholicorum obsequiis delenitus, et prolixa eorum hospitalitate admodum delectatus, eodem P. Vito comite, domum revertitur; quo simul ac pervenit, negotium dat suis templum apparent in Pentecosten proximam, tempus scilicet baptismo praestitutum. In eum diem Kittamaquundum cogitant gubernator caeterique coloniae primores, christiana videlicet sacra, et alteros meliores Tayaci natales, praesentia sua et aliis quibuscunque poterunt modis cohonestaturi. Faxit benignus Deus ut omnibus ea res vertat bene, sibi utique in gloriam, nobis in meritum, genti universae in salutem.

Qui animo terrarum orbem circumspexerit, nusquam fortasse reperiet homines his Indis in speciem abjectiores, quibus tamen animae sunt, si lytrum attendas a Christo persolutum, cultissimis Europaeis nihilo viliores. In vitia quidem proclives sunt, ut in tantis ignorantiae tenebris, tanta barbarie, tamque soluto et vago vivendi modo, haud ita multa; suopte tamen ingenio mansueti sunt, nec nisi raro in iis animi appetitiones insolentius efferri animadvertas. Aerumnarum patientissimi sunt; contemptum injuriasque facile concoquunt, modo citra vitae discrimen haec steterint. Idola vel nulla vel rara habent, quorum cultui magnopere addicuntur; neque apud eos sacerdotes aut mystae sunt, ad quos ex instituto sacrorum spectat procuratio, quamvis non desint qui superstitiones interpretantur et populo venditant; sed et hi in vulgus nullo sunt numero. Unum coeli Deum in confesso habent; diffitentur tamen scire se quî colendus, quî honorandus sit; ex quo fit ut hujusmodi scientiam edocentibus faciles commodent aures. Raro illis in mentem venit [*cogitatio ?*] immortalitatis animae rerumve a morte obita futurarum. Si quando tamen magistrum dilucide haec enucleantem nanciscuntur, perattentos juxta docilesque se praebent, et mox ad animae curam serio convertuntur, prompti utique ad ea paranda quae ad ejusdem salutem facere intellexerint. Ratione facile ducuntur, nec assensum pertinacius sustinent a vero proposito credibiliter. Haec genti innata indoles, opportunis divinae gratiae praesidiis sublevata, spem facit optatissimae aliquando messis, nosque ad labores in hac vinea continuandos summopere animat. Atque eadem profecto iis omnibus incitamento esse debebit, qui in posterum, Dei nutu, supplementi aut auxilii causa huc ad nos transmiserint.

Ad Indicae messis spem accessere etiam fructus non contemnendi e colonia popularibusque percepti; ad quos solemnioribus quidem anni

diebus conciones habentur, dominicis vero catechismi explanatio. Non catholici tantum frequentes confluunt, verum etiam haereticorum plurimi, haud sine operae pretio; siquidem hoc anno omnino duodecim pristinos pertaesi errores in gratiam cum Deo et ecclesia rediere. Rem divinam quotidie facere non cessant nostri et sacramenta, prout res postulat, dispensare accedentibus; valentibus denique, aegris, afflictis et moribundis, consilio, auxilio et quacunque demum ope praesto esse contendimus. ¶ *Collegium Leodiense, etc. Not signed.*

General Archives, ubi supra, pp. 824–828, 819c–822c.—*Published in Latin, Fund Publication,* No. 7 *Supplement,* pp. 5–15.

No. 8, J. **1640.**

Annual Letter, extract: history continued. *The baptism of the Tayac. The King of the Anacostans. Famine among the Indians. Father Fisher's work at St. Mary's. Instructive anecdotes.*—*See* History, I. § 38, pp. 344, 345.

Missio Marilandica.

In hac missione fuimus hoc anno sacerdotes quatuor cum uno coadjutore. Retulimus superiore anno quid spei concepissemus de convertendo Tayako seu imperatore, uti vocant, Pascatoae. Ex eo tempore, quae Dei est benignitas, spem eventus non fefellit. Accessit enim ille, adductis etiam nonnullis aliis ad fidem nostram, ac 5 julii anno 1640, cum fidei mysteriis satis esset imbutus, solemni ritu sacram undam excepit in sacello, quod ob eum finem divinumque cultum e corticibus pro Indorum more erexerat. Hoc eodem tempore uxor ipsius cum lactente infantulo aliusque ex primariis, quem ad consilia praecipue adhibebat, cum suo item parvulo filio baptismi fonte renati sunt. Imperatori, qui antea Chitomachon [*Kittamaquund*] audiebat, Caroli nomen, uxori autem Mariae inditum fuit; reliqui cum christiana fide christianorum nomina sortiti sunt. Aderat solemnitati gubernator una cum secretario aliisque pluribus; nec ad magnificentiam quidquam deerat, quod nostra exhibere facultas poterat. Post meridiem rex et regina matrimonium christiano more inivere; sacra deinde crux magnitudinis haud modicae erecta est; cui ad destinatum locum ferendae rex, gubernator, secretarius et reliqui manus humerosque accommodarunt, duobus interim e nostris litanias in honorem divae Virginis praecinentibus. At non multo post P. Andraeas Vitus ac P. Joannes Gravenerius suas etiam cruces haud paulo graviores experti sunt. Nam P. Vitus, dum in peragendis sacri baptismi caeremoniis quae longiusculae erant incaluisset, contracto frigore periculose aegrotavit; ex quo morbo licet postea convaluisset, in alium denuo incidit qui eum ad exeuntem usque hyemem tenuit. At P. Gravenerius pedum officio ita destitutus est ut ne vestigium quidem posset humi defigere.

Convaluit tamen et ipse, licet postea apostemate laborans paucorum dierum spatio 5 novembris extinctus est.

Cum ex praeteritae aestatis nimia siccitate fames apud Indos ingravesceret, ne eorum negligere corpora videremur, ob quorum curandas animas tantum iter emensi sumus, licet caro admodum pretio frumentum venderetur, eorum tamen sublevare inopiam panes eisdem subministrando necesse duximus. Has inter curas, simul etiam rebus missionis stabiliendis intenti, majorem hyemis partem exegimus. Decimo quinto februarii Pascatoam appulimus, non sine incolarum praecipua quadam gratulatione et gaudio, qui sane videntur ad recipiendam fidem christianam bene animati. Haud ita pridem rex septennem filiam quam unice diligit ad S^tae^ Mariae inter Anglos educandam duxit, atque ubi christiana mysteria probe perceperit sacro baptismatis fonte tingendam. Consiliarius etiam, cujus supra meminimus, quam in se Dei benignitatem expertus est in suos derivari cupiens, nihil magis in votis habet quam ut uxor et filii salutaribus aquis admoveantur; cujus aequissimo desiderio, post congruam instructionem, Deo juvante, fiet satis. Quin et rex Anacostanorum, cujus territorium non longe dissitum est, secum ut unus e nostris commoretur expetiit. Ex quo non obscure constat segetem minime defuturam nostris, in qua operam cum fructu ponant; quin potius verendum ne colligendae tam copiosae messi operarii defuturi sint. Sunt et alia oppida proxime adjacentia, quae haud dubie, si quis illis aeternae vitae verbum impertiret, ad veritatis evangelicae lucem prompte alacriterque accurrerent. Sed nostris hic adhuc integrum non est aliis adducendis studere, ne nimium cito novellum hunc gregem deserere videantur. Nec timendum iis erit qui subsidio mittuntur, ne vitae subsidia desint, cum is, qui vestit lilia et volucres pascit, illius amplificando regno incumbentes a necessariis praesidiis desertos non sit passurus.

P. Philippo Fishero, qui jam in S^tae^ Mariae colonia residet, nihil accidisset laetius quam si Indicae messi impendere se per eos licuisset qui illius opera carere nequaquam possunt. Stetit tamen optimae voluntati sua merces; dum enim quinque illi, de quibus supra fuit sermo, baptismi aqua inter Indos lustrantur, totidem illius adnitente industria sub idem tempus ab haeretica pravitate in ecclesiae gremium reducuntur. Qui in colonia degunt catholici iis pietate non cedunt qui in aliis regionibus versantur; morum autem urbanitate, eorum judicio qui alias obiere colonias, multum eis censentur anteire. Ubique spes messis affulget; et, dum quisque nostrum pro suo marte nunc his nunc illis juvandis incumbit, varia intercurrunt memoratu digna; ex quibus duo potissima, reliquis prolixitatis vitandae causa praetermissis, hic ponentur; in quorum altero divina misericordia eluxit, in altero justitia.

Quo die haeresin quidem [*quidam*] erat ejuraturus et peccata anteactae vitae per confessionem expiaturus, eo absente in interiori parte domus concepta flamma per postem transcurrens ad fastigium usque evaserat. Re animadversa (non enim longe aberat) vicinum subito compellat, nihil

tamen opis reperit; ad alium igitur currit, ubi duos solummodo qui una irent invenit; et, licet toto hoc tempore arderet ignis domusque ex asseribus siccis esset constructa, prius tamen ei subventum est quam incommodi quidquam gravioris accideret. Timebant nonnulli ne casu hoc inopinato a conversione deterrendus esset. Longe tamen secus evenit; domo enim propemodum illaesa, argumentum inde sumpsit Dei sibi propitii suumque propositum manifesto indicio comprobantis. Quare susceptam fidem cum insigni morum mutatione conjungens, suavissimum boni exempli odorem in eos qui cum ipso versantur diffundit.

Alter cum Dei quosdam interiores impulsus sentiret et diu adhibebat media quae conducere ad conversionem videbantur, quodam tamen die secum ipse statuit, abjecta hujusmodi cogitatione omni, solitis anterioris vitae semitis insistere. Hic dum saniora agitabat consilia sphaerulas sibi precatorias conquisiverat; at postea mutato animo easdem in pulverem contusas tubo una cum suo tobacco in fumum resolutas haurire consuevit, saepe jactitans quo pacto sua Avemaria (sic enim globulos illos vocitabat, quorum ad numerum angelica salutatio recitatur) comederet. At non diu vindicta divina scelestum facinus inultum reliquit. Anno enim vixdum elapso, redeunte illius diei pervigilio, quo propositum suscipiendae catholicae fidei abjecerat, petulantius quam alias unquam (prout a sociis animadversum est) sacrilegum scomma usurpavit. Pomeridiano igitur tempore, cum natandi causa ad flumen se contulisset, vixdum aquas attigerat, cum ingens piscis nefarium hominem ex improviso adortus, antequam se recipere in ripam posset, magnam femoris partem morsu avulsit; cujus justissimae lanienae acerbitate intra breve temporis spatium infelix homuncio a vivis expulsus est; id agente scilicet divina justitia ut, qui paulo ante Avemarianos globulos se devorasse gloriabatur, proprias carnes etiamnum vivus devoratas cerneret. ¶ *Collegium Leodiense Anglorum, etc. Not signed.*

General Archives, ubi supra, pp. 845–848.—*Published, ubi supra*, pp. 15–20.

No. 8, K. **1641, May 3.**

Letter from the Maryland Superior, Father Ferdinand Pulton: an extract among the papers of the Belgian Nuncio, Rosetti. *Distress of the Mission economically; its progress spiritually. Poulton's own profession of devotion and self-abandonment.*—*See* History, I. § 60, pp. 480–482.

Ex litteris e Marilandia, 3ª maii 1641, a superiore illius missionis P. Ferdinando Pultono Societatis Jesu.

A quo elapso jam anno literas tibi dedi, visum est supremo numini viam aperire conversioni multarum, uti spero, millium animarum, vocando scilicet ad orthodoxam suam fidem imperatorem, sive grandem

Pascatoway regem ; ita eum appello, quia multos habet sibi reges subditos ; quippe qui sacro baptismatis fonte 5° julii anno 1640 aspersus est. Nomen illi antea Chilomacon baptismo mutatur in Charolum. Eum [*ei ?*] sociata est in baptismate regina uxor, cui nomen Maria traditum est, simul etiam infans lactans, cui nomen Anna. Accessit etiam his praecipuus ex regis consilio ante baptismum Mosoxcoques, nunc Joannes appellatus, ejusque lactans puerulus Robertus vocatus. Peractae sunt Pascatoway ceremoniae per P. Vitum, praesente gubernatoris secretario et P. Altam multisque aliis ex colonia Anglicana, sacello ex arborum corticibus condito ad morem Indicum, et ad eum solummodo finem Deoque in fide catholica inserviendum instructo. Neque sane dubium est quin permulti, vestigiis sui imperatoris inhaerentes, quamprimum eodem baptismatis fonte aspersi fuissent, nisi subito P. Vitus et P. Altam in ea missione occupati morbo correpti fuissent et ad valetudinem recuperandam S^tae^ Mariae oppidum in colonia Anglorum repetere coacti ; ubi P. Altam 5° novembris interiit et P. Vitus multoties in morbum relapsus propter malam valetudinem in missione[*m*] ire non potuit. Verum ultimo februario, cum vires nonnihil recuperasset, mihi adjunctus, Pascatoway reversus est, ad instaurandam et, quoad fieri posset, stabiliendam illam missionem, ut fides christiana, cujus semina visum est Deo ita inserere, feliciter propagetur. Veruntamen paulo post adventum nostrum rursus incidit in morbum P. Vitus, neque adhuc vires recuperavit ; et vero, aetate atque infirmitatibus ingravescentibus, vereor ne post breve tempus tantis laboribus natura succumbat. Quantum in me est, illius vitam conservo, ut grande hoc Dei opus, conversio nimirum infidelium, prospere pergat, tum quia ipse maxime eorum tenet animos, tum quia melius etiam reliquis linguam callet. Non pauci ex incolis ad baptismum amplectendum instruuntur, et plures ex nobilioribus ad fidem christianam se propensos ostendunt ; inter quos primum tenet locum rex Anacostonorum regi Patorieck [*Patomeck ?*] avunculus. Non multis abhinc mensibus rex Pascatoway filiam misit, quae successura est in ditionibus patris, ad S^tae^ Mariae oppidum, ut ibi inter Anglos educetur et ad baptismum instruatur. Spero equidem, favente Deo, nisi desint qui nobis succurrant, maximam brevi christianae fidei accessionem in his barbarorum nationibus futuram ; et etiamsi propter annonae charitatem magnis premamur angustiis, auctis impensis et deficientibus unde victitemus, nec sint hic in colonia qui vel possint vel velint eleemosynas suppeditare, ostendatque divina providentia nec industriis nostris nec ab iis, in quorum procuranda salute, christianis sive paganis, laboramus, sustentationem sperandam, nihil tamen timere possum prospecturum de necessariis eum nobis qui volatilia coeli pascit, quae nec serunt nec metunt, et apostolos, quos sine sacculo et pera ad praedicandum evangelium misit, in omni necessitate adjuvit. Ille nobis etiam indignis operariis suis ea ratione, qua divinae illius providentiae visum fuerit, alimenta subministrabit. Ipsa profecto cogitatio nos revocandi aut non adjungendi nobis alios, quibus in hoc

glorioso opere conversionis animarum juvemur, quodammodo providentiae Dei fidem et famulorum suorum curam e medio tolleret, quasi minus jam sufficeret ad operarios suos quam olim alendos. Quamobrem, ne cuipiam animos hoc minuat, sed potius augeat et corroboret, cum jam Deus in suam nos protectionem susceperit, ut nimirum nobis ipse prospiciat, praesertim cum divinae placuerit bonitati aliquem jam fructum ex laboribus nostris percipere. Quocumque modo visum fuerit divinae Majestati de nobis disponere, fiat voluntas ejus; et ego, quantum ad me attinet, mallem hic inter Indos laborans ad eorum conversionem, omni humana ope destitutus, humi sub dio, fame confectus, mori, quam vel semel timore penuriae de relinquendo hoc sancto Dei opere cogitare. Concedat mihi Deus gratiam ut aliquod illi obsequium praestem, et quod reliquum est ipsius linquo providentiae. Rex Pascatoway nuper, 7° scilicet martii, piissime obiit. Sed pro illo excitabit, uti confidimus, propediem nobis semen Deus per vicinum illi regem Anacostonum, qui me ad se invitat atque [*ait*] se christianum fieri decrevisse. Idem aliis locis desiderant non pauci. Spes magnae messis effulget, nisi defuerint operarii qui linguam callent et valetudine fruantur.

Hoc anno nihil mittere poterimus, quo vel ex parte solvantur ad victum, vestitum et alia necessaria quae petimus; sed, ut initio et deinde magna ex parte semper fecimus, cogimur ea vel gratis amore Dei, vel mutuo petere.

Vatican Archives, Nunziatura d'Inghilterra, 4, ff. 64, 65; *also Ibid.*, ff. 66, 67, *a Rosetti's office copy.—Stonyhurst College MSS.*, Anglia A, iv. No. 109, ff. 226, 227.—*All contemporary copies; the two former among the papers of Mgr. Rosetti, the last apparently belonging to the General Archives S.J.—An incorrect translation is given in Foley's* Records, iii. 386, 387. *This letter, being dated 1641, yet recounting chiefly the events contained in the Annual Letter for 1640, seems to show that the annual Relation takes its date from its subject, not from the time of despatch.—Cf. infra*, No. 19, D.

No. 8, L. 1642.

A narration standing apart, taken out of letters from Maryland. *The labours of the Fathers; results; their journeys and their system of excursion by boat, as conducted this last year, chiefly on the Patuxent. An account of an extraordinary cure merited by the faith of the Indians. A few grave lines at the end on the controversy which has arisen about the rights and position of the clergy; the coming of the two secular priests, followed by the coming of the two Jesuits.—See* History, I. § 68, pp. 549–555; § 66, pp. 538, 539.

Narratio Excerpta ex Literis nostrorum e Marilandia.

In missione Marylandiae tres tantum anno 1642 jam elapso socios habuimus, eosque sacerdotes, quorum unus trimestri etiam aegritudine

fuit impeditus. Is fuit P. Rogerius Rigbaeus ; reliqui duo P. Philippus Fisherus missionis superior et P. Andraeas Vitus ; qui majoris fructus colligendi causa sese in varia loca dispertivere. Superior P. Philippus in S^tae^ Mariae praecipuo coloniae oppido majori ex parte mansit, quo cum Anglis, qui frequentiores ibi degunt, tum etiam Indis non procul degentibus atque etiam illuc aliunde adventantibus consuleret. P. Andreas se ad pristinam stationem Pascatavii contulit ; P. autem Rogerius ad novam residentiam, quam Patuxen vulgari idiomate appellant, abibat, quo facilius Indicam linguam addisceret, aliquos etiam neophytos magis in fide erudiret ac confirmaret, fideique semina latius ad magni illius fluminis ripam spargeret.

Laborum fructus hic fere fuit. P. Andreas nonnihil molesti a duro ac difficili Novae Angliae navarcho passus, quem sui et rerum necessariarum transferendarum causa conduxerat, a quo non sine causa postmodum timebat ne vel in mare demergeretur, aut una cum rebus suis in Novam Angliam puris nostris [*Puritanis ?*] Calvinistis, hoc est totius haereseos Calvinisticae fecibus, refertam deferretur. Deo rem tacitus commendans, tandem salvus appulit Patomacum, vulgo dicunt Patomake ; quo in portu ubi primum anchoras jecerant, navis ingenti gelu ita constricta haesit ut septemdecim dierum spatio loco non posset moveri ; cum interim pater glacie ceu terra incedens in oppidum abiisset. Cumque gelu solveretur, navis glaciei vi impetuque abacta et collisa subsedit, bonis tamen magna ex parte receptis. Hoc casu pater diutius in itinere, 9 scilicet hebdomadas, detentus est ; necesse enim habuit aliam navim ex S^ta^ Maria petere. Moram autem istam spirituale animarum lucrum facile compensabat : adjunctus enim est ecclesiae isto spatio istius oppiduli dominus cum aliis praecipuis ejusdem incolis, fide Christi ac baptismo suscepto ; uti et alter cum plerisque suis ; tertius item cum uxore, filio et alio quodam ; quartus tamen [*tandem ?*] cum alio apud suos non ignobili loco. Quorum exemplo populus paratus est ad fidem amplectendam, cum primum vacuum nobis fuerit eum catechismo imbuere. Nec multo post juvenis imperatrix (ut ipsi eam appellant) Pascatavii in S^tae^ Mariae oppido baptizata fuit, ibique educatur, jamque Anglicam linguam probe callet. Eodem fere tempore oppidum dictum Portobacco majori ex parte fidem cum baptismo suscepit ; quod cum ad flumen Pamacum (Pamake appellant) in medio fere Indorum positum sit, eoque ad excursiones inde in omnem partem commodius, statuimus illic residentiam collocare ; idque eo magis quo veremur ne Pascatavium deserere cogamur, propter vicinitatem Sesquesehannorum ; qui populus est harum regionum maxime ferox et bellicosus atque christianis infensus, jamque impetu in locum quendam nostrum facto homines quos illic habuimus necarunt, bonaque magno nostro damno asportarunt. Ac nisi armorum vi comprimantur (quod minime speramus, ob variantes inter se Anglorum sententias) tutum illic nobis non erit. Quare excursionibus contentos esse oportet ; quales plures hoc anno in ascensu fluvii, quem Patuxen dicunt, habuimus. Ex quibus hic fructus extitit : conversio

scilicet juvenis reginae illius loci, oppidi nempe ipsi fluvio cognominis, ejusque matris; juvenis item reginae Portobacco; uxoris duorumque liberorum magni Tayak, ut ipsi vocant, hoc est imperatoris, qui superiore anno vita functus est; aliorum insuper centum et triginta. Modus excurrendi hic est. Navigio seu lembo vehimur, pater scilicet, interpres et famulus (interprete enim utimur, ut postea dicetur), quorum duo remis, cum ventus vel adversatur vel deficit, naviculam impellunt, tertius clavo dirigit. Ferimus unam cistulam panis, butyri, casei, farris ante maturitatem exsecti atque siccati, fabarum et exiguae farinae; alteram etiam utribus deferendis, quorum unus est vini ad celebrandum, sex aquae ad baptismi usum benedictae; capsulam cum suppellectile sacra; et tabulam seu altare sacro faciendo; alteram etiam plenam reculis, quas Indis ad eos conciliandos damus, ut sunt campanulae, pectines, cultelli, hami piscatorii, acus, filum et caetera hujusmodi. Habemus etiam stoream parvam, cum sub dio cubandum (quod frequens est), aliam etiam majorem pluviae arcendae idoneam. Famuli etiam aliqua deferunt venatui necessaria eique in cibum postmodum, si quid ceperint, parando. In itineribus conamur quantum possumus vesperi ad domum aliquam Anglicanam vel Indorum oppidulum appellere; sin minus exscendimus et patri quidem incumbit naviculae cura, ut firmiter litori alligetur, deinde ligna colligendi ignemque struendi interea dum alii duo venatum abeunt, ut si quid capiant paretur; sin minus, nostris nos cibis reficientes, juxta focum cubantes somnum capimus. Si pluviae metus immineat, mapale erigimus storeaque majore injecta tegimus; nec animo minus laeto, Deo sit laus, tenui victu duroque lecto hic utimur quam commodiore in Europa; praesenti scilicet solatio, quod Deus tamquam arrham ejus, quod in futuro daturus est fideliter in hac vita laborantibus, nobis impertit, dulcedine quadam difficilia omnia aspergit, praesertim quod divina ipsius Majestas supra communem modum nobis adesse videatur. Nam spectata linguae hujus difficultate, tanta ut nemo nostrum adhuc sine interprete Indos alloqui possit (quanquam P. Rogerius Rigbaeus in tantillum assequutus sit ut speret se brevi posse cum iis de rebus familiaribus agere, eosque quantum satis est ad baptismum suscipiendum instruere; brevem enim catechismum interpretis ope jam composuit), hoc, inquam, spectato, mirum videri debet nos quidpiam apud ipsos efficere potuisse; praesertim cum alium non habeamus interpretem praeterquam juvenem, qui eorum linguae non adeo peritus sit, quin aliquando risum ipsis moveat; sic ut animos aliquando paene despondere videremur; patientia tamen superamus et paulatim ad id quod volumus eos pertrahimus.

Visum est etiam divinae Bonitati virtute suae sanctae Crucis quiddam supra naturae vires efficere. Res ita se habuit. Indus quidam a patria dictus Anacostianus, jam christianus, dum iter cum aliis per sylvam quandam faceret, comitibus paululum praecedentibus, quidam barbari illius populi, quem antea dixi, Sesquesehanni ex insidiis eum improviso adoriuntur, hastaque ex ligno locusta dicto, forti et laevi, ex quo arcus

suos faciunt, ferrea cuspide oblonga de latere ad latus, dextro scilicet in sinistrum, uno palmo sub axilla prope ipsum cor perfodiunt, foramine utrimque duos digitos lato; ex quo cum homo subito corrueret, inimici ocyssime fugiunt, amici autem qui processerant inopinato strepitu et clamore revocati redeunt, sublatumque e terra ad navem quae non procul aberat, indeque domum suam Piscatavii deferunt, ac elinguem et absque sensu relinquunt. Re perlata ad P. Vitum, qui prope forte aberat, is sequenti mane accurrit hominemque reperit jam pro foribus in storea prope focum depositum et corona popularium suorum cinctum, non quidem omnino elinguem vel sine sensu ut pridie, sed mortem certissimam in momenta pene singula operientem, et voce lugubri una cum amicis astantibus (ut moris est praeclariori hominum istorum generi cum certo creduntur morituri) canentem. Ex amicis autem aliqui etiam erant christiani, voxque illorum, quam musice quidem sed moesto vocis flexu modulabantur, ea erat: Vivat, o Deus, si ita tibi placitum fuerit; eamque identidem repetebant, donec pater moribundum affari aggrederetur; qui patrem protinus agnovit eique vulnera sua ostendit; cujus patrem magnopere miserebat. Verum cum adverteret periculum praesentissimum esse, omissis aliis, breviter fidei capita percurrit ac dolore peccatorum excitato ejus confessionem excepit, deinde, animum ejus spe ac fiducia in Deum erigens, evangelium, quod super aegrotos legi solet, necnon litanias B^tae^ Virginis Lauretanas recitavit, docuitque sanctissimis ejus precibus se commendare sacratissimumque Jesu nomen sine intermissione inclamare. Deinde pater reliquias sacras S^mae^ Crucis, quas in theca ad collum appensas gestabat, sed jam detraxerat, ad vulnus utrimque ante discessum applicans (nam discedere oportebat ad senem quendam Indum, qui ante crastinum moriturus certo putabatur, baptismo impertiendum) monuit adstantes ut, cum spiritum ultimum reddidisset, ad templum sepulturae causa deferrent. Jam meridies erat cum pater discedebat, ac die sequenti eadem hora cum forte navicula veheretur videt duos Indos naviculam remis se versus impellentes, cumque appulissent, alter eorum pedem infert in eam in qua pater erat. Qui dum hominem fixis oculis cunctabundus intueretur (ex altera enim parte facile ex facie eundem quis esset agnoscebat, ex altera vero dubitabat, memor quo in statu eum pridie reliquerat), is subito explicato pallio vulnerisque cicatricibus, seu potius rubra utrimque macula quasi vulneris vestigio ostensa, dubitationem omnem protinus eximit; verbis praeterea magno cum gaudio exclamat se omnino sanum neque ab ea hora, qua pater heri discesserat, se desiisse sanctum Jesu nomen invocare, cui recuperatam valetudinem tribuebat. Omnes qui cum patre in navicula erant, rem omnem et oculis et auribus usurpantes, in Dei laudem et gratiarum actionem erumpentes, magnopere hoc miraculo exhilarati et in fide confirmati sunt. Pater vero hominem admonens ut memor semper tanti tamque manifesti beneficii gratias agat, nomenque illud sanctissimum sanctissimamque Crucem amore ac honore prosequi denuo pergat, eundem ab se dimittit. Ille igitur rediens cymbam suam una cum altero fortiter

remo impellebat, quod nisi sanus et viribus integer non potuisset. Haec summa est laboris simul ac fructus hujus anni.

Unum tamen restat non omnino omittendum, parce tamen libandum; istuc [!] scilicet non defuisse patientiae occasionem ab iis, a quibus potius auxilium et tutelam sperare aequum fuerat; qui in res suas nimium attenti ecclesiasticam immunitatem violare non sunt veriti, operam dando ut leges olim istiusmodi in Anglia perperam latae et servatae hic similiter vim suam obtineant: ne cui scilicet personae vel communitati etiam ecclesiasticae liceat quavis ratione, etiam dono, quidquam terrarum acquirere aut possidere, nisi licentia magistratus civilis prius habita. Quod cum nostri dicerent ecclesiae legibus [!] oppugnare, missi sunt ex Anglia duo sacerdotes qui contra docerent. Sed contra quam putabatur factum est. Nam, nostris rationibus auditis reque clarius perspecta, in nostram sententiam facile concessere, et plerique etiam laici. Coronidis loco illud addo, duos alios patres recenter huc ex Anglia magno solatio nostro advenisse, post navigationem molestam quatuordecim hebdomadarum, cum alioqui non soleat esse nisi sex vel octo. Sed de iis eorumque laboribus ac fructu alias, si Deus dederit. Speramus quidem eum fore copiosum quantum augurari licet ex eorum fervore animorumque inter omnes consensione, cum illud certissimum sit ejus in nobis existentis indicium, qui est summe unus totiusque unitatis principium.

General Archives S.J., Anglia, Historia, iv. pp. 865–871.—*Published in Fund Publication as above*, No. 7 *Supplement*, pp. 20–28.

No. 8, M. 1645.

Father Henry More's original draft for a history: extract. *The violent abduction of Fathers White and Fisher (Copley) from Maryland to London for trial; their defence, and the sequel.*—*Cf.* History, I. Introduction, Chap. II. § 6, p. 62; § 70, p. 562.

Annus 1645.

Qui sequuntur anni grassante per omnes Angliae provincias civili bello et parlamentario milite barbara quadam rabie ubique in Catholicos desaeviente, infinitam tum laicis plurimis tum nostris patribus patientiae materiam peperere. Capti et in carceres compacti ex nostris non pauci. Atque in Marilandiam usque penetravit malum ubi zelosi quidam haeretici rem gratam se facturos existimantes parlamento, catholicorum coloniam invadentes, patres inde duos abstraxerunt in Angliam: Andream Vitum et Philippum Fisherum, qui gentilitio nomine Coppleius [*Copplaeus?*] vocabatur. Hi ad tribunal stantes, id quod latere non poterat, fassi sunt se sacerdotes esse, sed injuria ea de re postulari, cum contra leges modernas non sit sacerdotem esse, sed post ordines sacros susceptos

In Marylandiam irruunt haeretici: inde duos e nostris extrahunt.

in Angliam rediisse neque se extemplo stetisse judici. Se extra Angliam captos, invitos eo esse deductos atque adeo non posse secundum eas leges reos peragi. Id quod obtinuit ea cautione ut regno exularent; et Fischerus quidem rediit in Marilandiam nihil veritus adversariorum malitiam, et post annorum aliquorum labores morte sublatus est. Vitus, post aliquod tempus in Belgio transactum, rediit in insulam et annorum aliquot labores pia morte conclusit. ¶ *De morte P. Henrici Morse, martyris. Finis.*

General Archives S.J., Anglia, Historia, iv. pp. 863, 864.—*Ibid.*, *Southwell's redaction made in Rome:* iii. ff. 227v, 228.

No. 8, N. **1646.**

Annual Letter for 1670: extract recounting an incident of the earlier date. *The visitation of Divine justice on a scurrilous scoffer among the invaders of Maryland in* 1646.

Ex Marilandia hoc anno memorabile quiddam accepimus, quod etsi multis abhinc annis ibidem contigerit, et verisimile sit in annales nostros superiorum temporum relatum esse, quia tamen hoc ipso anno a nostris huc perscriptum est, etiam authentico testimonio oculati testis et notarii publici confirmatum, visum est hic rem breviter saltem attingere. Hoc unum tamen praefari me oportet, esse scilicet hoc in more positum institutoque catholicorum qui Marylandiam incolunt, ut tota nocte 31 julii diem S^{ti} Ignatii memoria sacrum consequente, festo tormentorum sono praesidi suo tutelari et patrono sancto gratulentur. Anno itaque 1646, solennis sui moris memores peracto anniversario S^{ti} Patris die, etiam noctem ejusdem venerationi continua tormentorum explosione dicatam voluere. Illo tempore in confiniis loci quidam milites agebant, reipsa injusti praedones, genere Angli, cultu heterodoxi, qui anno superiore navibus advecti coloniam fere totam armis invaserant, diripuerant, incenderant; deinde sacerdotibus abductis, ipso etiam gubernatore in exilium pulso, in miseram servitutem redegerant. Illi in arce quadam munita, defensionis sui causa extructa, praesidium habebant quinque circiter millibus passuum a caeteris dissiti; sed nunc nocturno bombardarum fragore exciti, postridie idest primo augusti die, cum armis advolant, in aedes catholicorum irrumpunt et, quidquid armorum aut nitrati pulveris usquam inveniunt, diripiunt. Cum tandem aliquando praedandi finem fecissent jamque abitum adornarent, unus ex illis gregariae sortis homuncio et scurra, non tantum illiberalis sed etiam blasphemus, ausus est vel ipsum coeli civem Ignatium foedis dicteriis factoque foediore lacessere. In malam crucem, inquit, abite, papistae, quibus cordi est vestro sanctulo displosis bombardis applaudere. Mihi quoque bombarda est, et ego illi plausum dabo, tam misero sancto aptum magis et congruentem. Hoc dicto, honor sit auribus, sonoro crepitu insonuit et

abiit, gregalibus ejus petulante cachinno arridentibus. Sed care misero stetit impia et mimica scurrilitas; nam vixdum ad ducentos passus inde processerat, cum intus commoveri sibi viscera sensit seque ad secessum sollicitari; et iterum, altero tanto viae confecto, secedendum illi fuit querenti de inusitato ventris dolore, cui similem in omni vita haud unquam senserat. Itineris reliquum, quatuor nimirum millia passuum, navi confectum est; quo spatio saeva viscerum tormina ventrisque profluvium saepius illum exscendere coegerunt. Ad arcem appulsus, prae nimio dolore vix sui compos, modo se humi volutat, modo in scamnum stratumque se projicit, horrenda voce usque exclamans: Ardeo, ardeo; incendium est in ventre, incendium in imis visceribus. Praesidiarii, deploratum sui commilitonis sortem miserati, illum denuo cymbae impositum trans flumen devehunt ad quendam Thomam Hebdenum chirurgicae scientem; sed malum longius processerat quam ut ab arte liniri, nedum levari posset. Interea ex ore miselli haud aliud audisses quam illud notum et ferale carmen: Ardeo, ardeo, incendium, incendium. Postero die, qui fuit augusti secundus, ingravescente in horas intolerabili dolore, ipsa coeperunt ilia postica parte minutatim effluere; tertio autem augusti, intestinorum segmina majora, quorum haec pedem, illi sesquipedem, alia tres pedes longa fuere, furibundus et rugiens ejecit. Quartus denique dies sentinam totam exhausit, sic ut nihil praeter abdomen inane et vacuum reliqui fecerit. Diem tamen quintum superstes orientem vidit, quando videre et vivere infelix desiit, exemplum posteris futurum vindictae divinae mortales commonentis: Discite justitiam moniti et non temnere divos. Defuncti intestina ad plures menses e palis suspensa innumeri spectaverunt adhuc superstites; inter quos et ille qui testimonium perhibuit de his et oculis vidit et manibus tractavit nigricantia et quasi flammis adusta viscera moderni hujus Judae, qui et ipse suspensus crepuit medius et effusa sunt omnia viscera ejus. ¶ *Collegium Leodiense, etc.*

Signed, p. 766 : Josephus Simonis.

General Archives S.J., Anglia, Historia, v. pp. 763–765.—*Published in Fund Publication as above*, No. 7 *Supplement*, pp. 31–34.

No. 8, O. 1645–1649.

Annual Letter recounting the events of several years. *At the end of 52 pages, a promise is held out of sending a general and exact Relation composed by the founder of the Maryland Mission.*

. . . Duo in Marilandia. ¶¶ . . .

De missione Marilandica nihil hic positum, quia nondum perfecta est exacta relatio quam parat qui illius fundamenta jecit, quam propediem absolvet. *Finis. Not signed.*

General Archives S.J., Anglia, Historia, v. pp. 100, 151. *The Relation is not extant.*

No. 8, P. **1648, March 1.**

John Bollandus, S.J. (*founder of the Bollandists*), Antwerp: extract from a letter. *He tells of Father White's arrival at Antwerp, on being dismissed by the Parliamentarians after three years of imprisonment.*

Ex literis Joannis Bollandi. 1 martii 1648, Antwerpia.

Adfuit nobis hac hebdomada P. Andreas Vitus Anglus, theologiae ante annos 30 professor, vir sanctus qui in Marilandia Americae provincia, ubi Angli negotiantur, 12 annis versatus est. Indos facile mille cum aliquot aliis e Societate convertit feceratque dictionarium et grammaticam ejus linguae, quam putat Japonensi affinem et ad mare Japonicum usque in usu esse. . . . Cum in Marilandia feliciter laboraret, a parliamentariis in Angliam abductus, ultra triennium detentus est in carcere, et cum saepe actum esset de ejus morte tandem insperato missus in Hollandiam venit, unde huc deductus est ab nauta haeretico absque ullis publici commeatus literis.

General Archives S.J., Anglia, Necrologia, p. 399.

No. 8, Q. **1648, March 1.**

Father Philip Fisher (*Copley*), Maryland, to the General. *On his arrival in Virginia and Maryland after three years' absence; how the Catholics received him, and how the Indians are calling for him. His companion* (Father Lawrence Sankey) *remains hidden in Virginia. Business with the Governor of that Colony. —The letter is endorsed with a summary* [by Southwell?] *dated July 18.*

Adm. R^de^ in xpo Pater Noster.

Pax Christi.

Pervenimus tandem Virgineam socius meus et ego, itinere satis prospero septem hebdomadarum, mense januarii; ubi relinquens socium meum usus sum opportunitate adeundi Marilandiam, et eo deveni mense februarii. Ibi singulari Dei providentia collectam inveni gregem, ante tres annos dissipatam et statu feliciori quam sint adversarii, qui eam depraedaverant. Quanto gaudio me receperunt et ego eos conveni exprimere non possum; sicut angelum Dei me receperunt. Jam apud eos maneo per duas septimanas, aegre dissessurus [!]. Sed vocant me Indi etiam male habiti ab inimicis, a tempore quo avulsus sum ab iis. Vix scio quid faciam, cum omnibus non possum esse satis. Det Deus ut faciam voluntatem ejus ad majorem gloriam nominis sui. Vere flores apparent in terra nostra; faciat Deus ut perveniant ad fructum. Iter

terrestre per silvas jam nuper apertum est duorum dierum a Marilandia in Virgineam, ita ut una missione jam comprehendi potest utraque regio. Post pascha adeam gubernatorem Virgineae, cum eo acturus negotia maximi momenti; faxit Deus ut omnia cedant in laudem et gloriam Dei. Adhuc socius latitat, brevi aditurus opus, ut spero, bonae spei. Sequenti anno duos vel tres alios spero bona cum venia P^tis^ V.; cujus curae, SS. et precibus missionem istam, me et omnia mea valde commendo. Dat. Marilandiae die 1 martii anno Domini 1648.

Adm. R^dae^ Pater^tis^ V^ae^.,

Indignissimus in xpo servus et filius,

PHILIPPUS FISHERUS.

Endorsed: Anglia 1 martii 1648.

Ex Marilandia—America. P. Philippus Fiscerus superior. Incolumis cum socio pervenerunt [*pervenit?*] in Virginiam spatio septem hebdomadarum: inde visitavit gregem relictam in Marilandia, qui ut angelum Dei eum acceperunt, etc.

Ab illis ibat ad Indos neophytos, inde cursus in Virginiam, ubi adhuc la[*tet?*] socius, etc.

Messis amplissima; et expectabat duos vel tres alios sequenti anno.

18 julii.

Stonyhurst College MSS., Anglia, A, iv. No. 110, f. 228; *original, autograph (?). A straight perpendicular hand.*

No. 8, R. 1654.

Annual Letter: extract. *The adventures of Father Francis Fitzherbert on his perilous voyage to America. A graphic piece of narration.*

In Marylandiam hoc anno destinatus P. Franciscus Fitzherbertus arduam expeditionem et laboriosum atque longinquum iter inter ignotos homines moribus ac religione discrepantes, sine comite, singulari animi magnitudine et alacritate, ad primum moderatoris nutum ingressus est. Nec defuit toto itinere ex fiducia in Deum et patientia copiosa in meritum seges. Quatuor simul Anglia solverunt navigia, quae occidentales insulas praetervecta atrox accepit tempestas, et navem quidem, qua pater vehebatur tam violenti quassarunt fluctus, ut frequenti rima fatiscens deploratam pene traheret sentinam. Enimvero egerendae hauriendaeque aquae quaterni simul homines, non e nautica solum turba sed etiam vectorum, sua quique vice ad vastam antliam perpetuum laborem dies ac noctes exsudabant. Quare commutato cursu in insulam, quam Barbados Angli appellant, vela vertere animus fuit. Sed nulla id arte, nulla industria consequi [*li*]cuit; consilium deinde fuit, deserta cum mercibus oneraria, scaphae se committere. Sed illud quoque intumescens adversis flatibus pelagus et immanes undarum moles prohibuerunt. Plurima

mortis imagine omnium oculis obversante, exitii metum familiaris jam metuendi consuetudo pene excluserat. Duos omnino menses tempestas tenuit, unde non maris aut coeli vi sed sagarum maleficio excitatam opinio fuit. Protinus mulierculam veneficii suspectam arripiunt et durissima examinatam quaestione, jure an injuria? de summo malo suspectam necant; cadaver et quicquid ad illam pertinuit in mare effundunt. Non tamen ideo aut vim venti aut furens oceanus minas remittit. Accessit ad tempestatis incommoda morbus, qui per singula paene grassatus capita, non paucos extinxit. Verumtamen pater, nisi quod vehementius versanda et exercenda antlia dierum aliquot febriculam contraxit, ab omni contagione intactus et immunis extitit. Multiplici perfuncta discrimine tandem, miserante Deo, praeter omnium spem Marilandiae portum oneraria tenuit. *Finis.* *Not signed.*

General Archives S.J., Anglia, Historia, v. pp. 557, 558.—*Published in Fund Publication, as above*, No. 7 *Supplement*, pp. 28, 29.

No. 8, S. **1655.**

Triennial Catalogue: extract. *The temporal resources on which the missions in England were conducted* (*and contributions afforded to Maryland*). *The charity and devotion of Catholics under the persecution of the Commonwealth.—Cf.* No. 8, U, *infra.*

. . . Residentiae septem, in quibus 57 sacerdotes et unus coadjutor temporalis aluntur, nullo certo censu dotatae sunt. Instar redituum illis est benevola et benefica catholicorum charitas, quorum in egregia ac commemorabili plane laude hoc merito ponendum est, quod inter immanes haereticorum direptiones, inter gravissimas rei familiaris ruinas, sibi ipsis et charissimis liberis tantillum saltem detractum volunt quod Deo Deique ministris sacerdotibus largiantur. Hae residentiae, ut sunt omnes sine dote, sic omnes sine onere, sine debito.

General Archives S.J., Anglia, Catalogus 3 Rerum, seu Domorum et Collegiorum, etc., anno 1655.

No. 8, T. **1655 & 1656.**

Annual Letters: extract. *The Maryland Revolution; the victory of the Virginian English* (Battle of Providence); *the assault upon the priests' mission; escape of the missionaries into Virginia; their hardships.*

In Marilandia nostri hoc et proxime superiori anno, gravi defuncti periculo, magnis difficultatibus et angustiis sunt conflictati et acerba tum ab hostibus perpessi tum a suis. Angli, qui Virginiam incolunt, in Mary-

landiae colonos, ipsos pariter Anglos, fecerunt impetum, et Marilandiae quidem praefectum cum aliis pluribus, pacta certis conditionibus salute, in deditionem acceperunt. Verum, violatis perfide conditionibus, 4 ex captivis et quidem tres ex illis catholici summo religionis odio plumbeis glandibus sunt trajecti. In nostras aedes irruentes, impostores, ut appellabant, ad mortem deposcebant, certam deprehensis carnificinam intentantes. Caeterum patres ante ipsa eorum ora, Deo protegente, cymbala ignoti praetervehebantur. Libri, suppellex et quicquam domi erat praedonibus cessit. Ipsi cum universae paene rei familiaris ac domesticae jactura, magno etiam capitis adito discrimine, clam in Virginiam delati, in summa rerum necessariarum inopia vix et aegre vitam tolerant. Tuguriolum incolunt vile, humile ac depressum, non multum absimile cisternae aut etiam sepulchro, in quo magnum illud fidei propugnaculum S. Athanasius plures annos latitavit. Ad caeteras ipsorum miserias et illud accessit incommodi quod, quicquid hoc anno solatii aut subsidii stipis nomine a piis in Anglia hominibus destinatum fuit, intercepta qua subvehebatur navi, male perierit. Sed nihil illos aegrius habet, quam quod ne vini quidem quod satis sit ad altaris mysteria conficienda suppeditet. Famulus illis nullus vel ad domesticos usus, vel ad iter per ignota et suspecta loca dirigendum, vel etiam ad cymbam, si quando usus sit, propellendam ac gubernandam. Saepe per spatiosa et vasta flumina alteruter eorum, solus et incomitatus, longinqua navigio metitur ac remetitur spatia, non alio cursum regente navarcho quam Divina Providentia. Jam ut hostis absit, et illi in Marilandiam remigrent, quae a suis pridem perpessi sunt et quae adhuc imminent incommoda non multo sunt tolerabiliora. *Finis.*

General Archives S.J., Anglia, Historia, v. p. 587.—*Published in Fund Publication*, No. 7 *Supplement*, pp. 29–31.

No. 8, U. **1658.**

Triennial Catalogue: extract. *Account of the temporal resources. Sometimes a small reserve is put by for emergencies; but its condition is subject to vicissitudes.—Cf.* No. 8, S, *supra.*

Septem in residentiis socii sunt 53 omnes sacris initiati. Nulli harum certi sunt reditus aut quasi dotis nomine census aliquis attributus. Saepe tamen ex congestis fortuito eleemosynis fit quoddam, ut ita dicam, commune aerariolum, nunc inanius, nunc plenius, superioris curae custodiaeque commissum, ut is pro re nata aut necessitate suorum ad manum habeat unde modica saltem subsidiola depromat. In his residentiis nullam oneris aut debiti umbram reperire est. . . .

Signed, p. 7: Richardus Bartonus.

Sigillum: Praepositus Provincialis Angliae Soc. Jesu.

General Archives S.J., Catalogus 3, etc., anno 1658, p. 7.

No. 8, V. **1667.**

Statistics. *The number of missionaries, of conversions, and infant baptisms.*

Degebant hoc anno 4 patres et 3 coadjutores; 37, haeresi ejurata, ope nostrorum ad fidem reducti sunt, 65 infantes baptizati, mortuus P. Petrus Mannerius (ex Litt. Annuis). In codice, cui titulus Vitae Defunctorum, sine anno reperitur sequens elogium hujus patris, quod tamen paullulum contraximus.

Elogium P. Petri Mannerii referendum ad annum 1667. . . .

General Archives S.J., De Incunabulis Religionis in Marylandia: Fragmenta ex Archivio Romano Soc. Jesu Collecta,—*a collection of 18 numbered pages small folio, with some additional sheets; probably drawn up about 1830–1840.*

No. 8, W. **1669.**

Annual Letter: extract. *On the loss suffered by the death of Father Peter Manners, and on the new supplies of men.*

Missionem Marilandicam excolunt e nostris sacerdotes duo; tertius, in aestu laborum et messis, P. Petrus Mannerius improviso e medio sublatus est, non minori incolarum luctu quam jactura. Ingens enimvero jactura, tum quia regionis temperiei jam sexennio occalluerat, tum vel maxime, quia vir erat apostolico spiritu plenus quique magna meditabatur; cujus virtutes cum in elogium jam mittendum digestae sint, pluribus hic supersedeo. Ad resarciendum hoc damnum missi nuper sunt hoc autumno alii sacerdotes duo cum coadjutore temporali, qui duobus ibi praeexistentibus adnumeratus [!], missio illa constabit ex 4 sacerdotibus et coadjutoribus temporalibus tribus. Lucrum animarum quod ibidem anno elapso reportarunt fuit reductio 37, haeresi ejurata, ad Ecclesiae gremium, et 65 infantium per sacrum baptismi lavacrum regeneratio. Alia nobis invident vel eorum modestia vel longinqui marium tractus et praepedita itinera. Hoc constat, opus eos suum indefessos urgere, iisque adminiculis omnibus operariorum nostrorum propriis. Dominus, uti speramus, dabit benignitatem suam, et terra illa cum tempore abundantius fructum suum. *Finis.*

Signed: Josephus Simonis.

General Archives S.J., Anglia, Historia, v. p. 749.—*Part of it published in Fund Publication, as above*, No. 7 *Supplement*, p. 31.

No. 8, X. **1670, February 28.**

Father Joseph Simeon, Provincial of England, to the General. *On the death of Father George Pole in Maryland. He begs special*

faculties for the sending of new men at once.—The letter is endorsed with a summary, dated April 5.

Admodum R^de^ in xpo Pater in xpo.

Pax Christi.

Ultimo octobris anni 1669 obiit in Marilandia P. Georgius Polus annorum aetatis 41, Societatis 13, professionis quatuor votorum 3. Is ante duos annos sponte se obtulit ad arduam illam missionem in America, cum anno praecedente, dum pestis Londini grassaretur, se obtulisset ad servitium infectorum. Si quid aliud in laudem ejus colligi possit, in elogium deincep[*s*] conjicietur. Interim Paternitatem Vestram supplex oro ut consueta Societatis suffragia pro ejus animae solatio dignetur indicere. Quoniam vero scribit superior ex Marilandia nostros propter paucitatem nimio labore confici, dum etiam aegroti coguntur moribundis succurrere, ut P. Georgio Polo contigit, Paternitatem Vestram submississime rogo ut, saltem ad tempus, liceat Provinciali eo transmittere aliquos finitis studiis, ita ut transmissio ipsa diuturnae navigationis serviat pro tertio anno. Alioquin diu carebit illa missio auxilio necessario. Aliud non est, nisi ut me SS. Paternitatis Vestrae Sacrificiis humillime commendem.

Londini, 28 februarii 1669/70.

Admodum R^dae^ Paternitatis Vestrae

Humillimus in xpo servus

Josephus Simonis.

Addressed: Admod. R^do^ P^ri^ N^ro^ in xpo P. Joanni Paulo Oliva, Soc^tis^ Jesu Praeposito Generali. Romam.

Endorsed: Anglia [?], 28 februarii 1670.

P. Provincialis. Mortuus in Marilandia P. Georgius Polus. Nostri ibi propter paucitatem laboribus obruuntur. Petit ut sibi liceat eo mittere qui studia absolverunt, ita ut ipsa haec profectio ac missio sit loco 3^ae^ probationis.

5 aprilis.

Stonyhurst College MSS., Anglia A, iv. No. 111, f. 229; *autograph.*

No. 8, Y. **1670.**

Annual Letter: extract. *Brief statement of the personnel in Maryland; and an introduction to the account given for 1646, as above.*

In hac missione tres sunt sacerdotes et totidem adjutores temporales. ¶¶ . . . [*P. 763, as above*, No. 8, N, *1646:*] Ex Marilandia hoc anno memorabile quiddam accepimus, *etc.* . . . ¶ *Collegium Leodiense, etc.*

Signed, p. 766: Josephus Simonis.

General Archives S.J., Anglia, Historia, v. pp. 758, 763–765.

No. 8, Z. **1671.**

Annual Letter: extract. *State and prosperity of the Maryland Mission. Death of Father William Pelham and Brother Thomas Sherborne. Spiritual fruits.*

Missio Marilandica quatuor habet socios, duos sacerdotes ac coadjutores temporales duos. Missio haec prospere succedit, ut ex proximis litteris accepimus, et messem refert non mediocrem, majoremque redderet, si plures eam colerent operarii. Ex iis qui posterioribus annis eo missi sunt pauci admodum supersunt, reliquis funere sublatis, quorum e numero hoc anno fuere P. Gulielmus Pellamus et Thomas Sherbornus coadjutor temporalis. In hac missione adducti sunt ad catholicam fidem quinquaginta, e quibus multi primariae notae, baptizati vero quinquaginta quatuor, et viginti acceptae confessiones generales. ¶¶ . . .

Signed, p. 777: Georgius Graius.

General Archives S.J., Anglia, Historia, v. p. 771.—*Published in Fund Publication, as above*, No. 7 *Supplement*, p. 34.

No. 8, A². **1672.**

Annual Letter: extract. *An account of increasing spiritual efficiency, with statistics.*

Missionem Marilandicam duo excolunt sacerdotes, quibus juncti sunt ad rerum temporalium ac domesticarum curam totidem coadjutores laici. Diligentem hi navant operam haereticis lucrandis et catholicis in fide confirmandis atque ad pietatem excolendis. Quorum industriae non exiguus hoc anno, immo solito major extitit fructus; numerantur enim ab ultima ratione reddita ad ecclesiam adducti septuaginta quatuor, baptizati centum, confessiones generales exceptae viginti.

General Archives S.J., as above, p. 789.—*Published as above*, p. 35.

No. 8, B². **1673.**

Annual Letter: extract. *Statistics of spiritual results. The arrival of two Franciscan Fathers from England; and the welcome extended to them.*

Missio Marilandica.

After Devon: ¶ Duobus item constat sacerdotibus atque unico coadjutore laico. Illi in confirmandis in fide catholicis ac pietate imbuendis operam praecipue collocant. Sed et cum haereticis etiam ex occasione agunt, atque ex his viginti octo ecclesiae catholicae aggregarunt; infantes vero ad septuaginta per sacrum baptisma Christo

genuerunt. Caeterum in partem laborum ac messis duo patres ex S. Francisci familia, altero anno ex Anglia missi, ingressi sunt; quos inter nostrosque fraternae charitatis ac necessitudinis officia in commune rei catholicae bonum mutuo exercentur.

General Archives S.J., as above, pp. 801, 802.—*Published as above*, p. 35.

No. 8, C². **1674.**

Annual Letter: extract. *Statement and statistics.*

Missio Marilandica.

Tres habuit socios: sacerdotes duos et unicum coadjutorem laicum. Hic quidem rebus temporalibus invigilat. Illorum vero opera triginta quatuor ad fidem et ecclesiam catholicam adducti sunt. Baptizati septuaginta quinque, confessiones generales exceptae septem.

Puellae sex ad vitam monasticam adductae, ac duodecim adolescentes ad Seminarium Audomarense studiorum causa transmissi.

Signed, p. 818: Richardus Strangius.

General Archives S.J., as above, p. 817.—*Published, as above*, p. 35.

No. 8, D². **1675.**

Annual Letter: extract. *New supplies of men sent over, who have arrived safely, the two Fathers being Francis Pennington and Nicholas Gulich. Sickness of the latter.*

Ad extremum Missio Marilandica proximo exeunte autumno novo incremento aucta est quatuor sociorum, duorum nempe sacerdotum totidemque coadjutorum, qui sub finem octobris cum regia classe Londino solverunt; quos omnes salvos et incolumes ad eas oras appulisse ex litteris P. Francisci Penningtoni accepimus, qui tamen affirmat socium suum P. Nicolaum Gulichium, qui in navi gravem morbum contraxerat, graviter etiamnum laborare, verum minime de ejus salute dubitari. Quem vero fructum in vineae hujus cultura retulerunt nostri nondum intelleximus. *Finis.*

Signed: Richardus Strangius.

General Archives S.J., as above, p. 826.—*Published, as above*, pp. 35, 36.

No. 8, E². **1676.**

Annual Letter: extract. *State of the Mission.*

Missio Marilandica [*constat*] tribus sacerdotibus et duobus coadjutoribus temporalibus.

Signed, p. 843: Richardus Strangius.

General Archives S.J., as above, p. 830.

No. 8, F². **1677.**

Annual Letter: extract. *General statement of Jesuits working in England and Maryland. Particulars about the latter Mission. Death of Brother Francis Knatchbull; his antecedents.*

Reliqui 150 Angliam ipsam incolunt et Missionem Marilandicam, qui omnes sacerdotes sunt praeter unicum scholasticum valetudinarium et sacris nondum initiatum, coadjutores temporales tres. . . . Missio Marilandica constat sex; aucta nimirum est sub finem anni duobus sociis, altero sacerdote, altero coadjutore laico. Hinc e vivis discessit Franciscus Knatchbull coadjutor temporalis. Admissus hic est in Societatem Watenis 20 novembris 1671, ac dum in tyrocinio adhuc esset magno zelo missionem Marilandicam expetiit, quam tandem obtinuit sub finem anni 1674, in qua tamen non amplius biennio licuit illi superesse, 6° enim januarii ineuntis anni 1677 morte sublatus est.

Signed, p. 844: Thomas Harcottus.

General Archives S.J., as above, pp. 835, 840.—*In part published, as above*, p. 36.

No. 8, G². **1680.**

Annual Letter: extract. *General statement of the English Province.*

Ineunte anno [*1680*] continebat provincia [*10 collegia, 2 domos probationis, 6 residentias*] et missionem Marilandicam.

John Warner's autograph, but not signed.

General Archives S.J., Anglia, Historia, vi. p. 149.

No. 8, H². **1681.**

Annual Letter: extract. *Flourishing condition of the Maryland Mission. The local school conducted there; remarkable success of the scholars when transferred to St. Omer's College, and brought into competition with Europeans. Here immediately follows a general account of temporal losses owing to a systematic attack upon Jesuit property, to the incompetency of local Jesuit managers, the dishonesty of paid hands, the expenses of lawyers, etc.*

Marilandica missio floret: quam ibi fecerunt patres nostri sementem, in copiosam segetem excrescit et amplam olim messem pollicetur. Ante quadriennium aperta illic a nostris, in media barbarie, humaniorum litterarum schola, quam duo regunt, et juventus illic nata, supra modum litteris

dedita, proficit. Duos illa missio, illa recens nata schola Audomarum transmisit, qui paucis Europaeis ingenio cedant, cum suae classis primis de palma contendant. Unde colligimus non auri tantum et argenti aut aliarum terrae frugum, sed et hominum ad virtutem et altiores disciplinas factorum regiones illas, quas immerito barbarae audiunt, esse feracissimas. Submissi eo hoc anno duo, qui laborantes in illa amplissima Domini vinea sublevent.

Maxima toto hoc anno contentio de bonis extitit. Societatis hostes immensas opes ab ea possideri, quaeque exercitui alendo fere sufficerent, invidiose sparserant, versa in Societatis perniciem ipsa nostrorum patrum beneficentia, qui recurrentibus ad se petitum subsidium [!] prompte subveniebant ac largiter pro tenuibus facultatibus suis; cum tamen certum sit istos aut fallere aut falli, quia quidquid in insula possident vix ad centum alendos sufficiat. Quod si spectemus quid ex procuratorum ignorantia pereat, quid ex rusticorum avaritia reditus annuos retinentium amittatur, quid in juris peritos expendatur ne fundus ipse eripiatur, longe paucioribus sufficiet, nisi ipsi sua se industria juvent. Reliqua fidelium charitas, pro quibus strenue laboramus, affatim suppeditat. Pleraque in discrimen vocata sunt, quae aegre tuemur; aliqua periere. Tamen in Dei bonitate et catholicorum pietate confidimus quod, donec spiritualia seminaverimus, abunde carnalia metemus, et quaerentibus regnum Dei caetera adjicientur. Interea habentes victum sobrium et parcum et vestitum honestum, his contenti sumus.

Agendae interim divinae misericordiae uberes gratiae de occasionibus quibus fidem nostram virtutemque exercet et de singulari fortitudine, qua nostros patres induit ex alto, ad omnia alacriter et cum gaudio pro Christo sustinenda. Rapinam bonorum cum gaudio susceperunt, cognoscentes se habere meliorem et manentem substantiam. Ludibria ac verbera experti sunt, insuper et vincula et carceres; lapidati sunt, secti sunt, tentati sunt, in occisione laquei mortui sunt, circuierunt egentes, angustiati, afflicti. Nec tamen, quae Dei misericordia est, passus est nos tentari supra quam possumus, sed fecit cum tentatione proventum, ut possimus sustinere. In ipso certa spes collocata est quod [?] qui coepit hoc opus bonum ipse perficiet.

Not signed: autograph of John Warner.

General Archives S.J., as above, pp. 163, 164.

No. 8, J². **1682.**

Annual Letter: extract. *General statement including Maryland.*

Habuit . . . minima ista provincia collegia 10, domus probationis 2, residentias 6 et, [*constans*] missione Marilandica, socios universim 295.

General Archives S.J., as above, p. 167.

No. 8, K². **1685.**

Triennial Catalogue: extract. *Statement about men and resources in Maryland and New York.*

In missione Marilandica sunt 7, 4 sacerdotes, unus magister, 2 coadjutores. Habent aliqua praedia quae colunt, et ex eorum fructibus et eleemosynis vivunt.

In missione Novi Eboraci sunt 2 sacerdotes. Vivunt ex eleemosynis puris.

Procuratores extra provinciam—8. *Finis.*

General Archives S.J., Catalogus 3, 1685.

No. 8, L². **1685–1690.**

Annual Letter: extract. *Dispersion of missions; dangers and losses incurred in Maryland and New York. The adventures of the two New York missionaries* (Fathers Thomas Harvey and Henry Harrison).

Missiones nostrae in Indiis occidentalibus, Marilandiae nimirum et Novi Eboraci, eandem cum Anglia fortunam subierunt. In posteriore duo tantum erant sacerdotes, qui hac tempestate sedes mutare coacti aeque ac gubernator ipse catholicus; alter in Marilandiam pedestri itinere profectus est, alter, post multa maris discrimina, a piratis etiam Hollandis captus et spoliatus, tandem incolumis in Galliam pervenit. In Marilandia magnas difficultates passi sunt. Manent tamen utcumque [?] miseris illis catholicis [*ad*]futuri.

Stonyhurst College MSS., A, iv. 13, tom. ii. p. 271; (*Cardwell*) Collectio S.J. Prov. Ang., tom. ii.: MSS. ex arch. Belgico Bruxell.

No. 8, M². **1690.**

Triennial Catalogue: extract.

Missio Marilandica

Numerat socios sex, duos sacerdotes, unum magistrum non sacerdotem et tres coadjutores temporales, qui terrae colendae et rebus domesticis necessarii ibi sunt. Tempestas jam nuper in Anglia excitata hic etiam saeviit, et plurima damna sociis intulit.

Signed: Joannes Clare.

General Archives S.J., Catalogus 3, anno 1690.

No. 8, N². **1693.**

Triennial Catalogue: extract. *General economical condition of the Province, and the means of support for individual missionaries; Maryland and New York being mentioned.*

Provincia haec mare interjecto bifariam dividitur et fere ex aequo; pars enim altera missioni sese parans per Belgium Leodium usque diffunditur, altera eidem sese impendit; utraque sub unius Praepositi Provincialis regimine constituitur. Collegia sunt utrobique plura, sed plurimum eo nomine discrepant, quod illa quae intra Angliam sita sunt plures occupent provincias; sejunctique a se invicem adeoque a Rectore suo, socii sparsim in nobilium catholicorum aedibus singuli degant, et ut plurimum ruri, vicinisque late agris operam suam, tum in haereticis ad fidem convertendis, tum in solandis sacramentorumque administratione roborandis instruendisque catholicis impendant. Multi etiam expensis collegii aluntur, ut ita liberius missioni, prout majus Dei obsequium et luculentior messis invitaverit, vacent. Unde ut plenius pateat cujusque collegii status, quas socii eleemosynae constantis nomine ab iis quibuscum degunt annuas accipiunt pecunias, sub eo titulo in subjectis Collegiorum rationibus notatur . . .; in missionibus Americanis Marilandiae et Novi Eboraci 10 [*socii*]. . . . *Other funds for the maintenance of members are:* census, praedia, domus, aedes, annui vitalitii census.

General Archives S.J., Catalogus 3, anno 1693.

No. 8, O². **1696.**

Triennial Catalogue: appendix. *A relation of Maryland up to this time; as also of the New York Mission; and of a station in Virginia held previously by one of the missionaries, acting as a tutor in the family of a friendly Protestant. Actual state of the American Mission, and its economical condition.*

De Missione Americana.

Marilandiam, Virgineam, Novam Albionem continuo tractu occupant Angli. Distat a Nova Francia seu Canada Novum Eboracum millibus passuum 300; Marilandia vero sexcentis fere ad occidentem ab austro. Ipsa Marilandia intra 38 et 40 latitudinis borealis gradum jacet. Distat Londino itinere maritimo 2 fere mensium, cum in Marilandiam tenditur, licet inde Londinum sesquimense redeatur, eo quod in sinu Floridae qui ad 500 leucas extenditur prono tunc mari provehantur naves. In omnibus his regionibus libertas conscientiae ac cujusvis religionis, quae

Christum adoret, usus ac professio publica etiam lege, ut vocant fundamentali, permittitur. Sed tamen excepta Marilandia vix alibi sat pedem fixit catholica religio, nisi sub extremis, quibus regnis suis potitus est rex Jacobus secundus, annis, obnitentibus quantum contra eam possent gubernatoribus, qui singulis fere trienniis a rege statuuntur. Marilandiae alia sors est, cum Ill^mus dominus regni Baro de Baltemore, piissimus catholicus, per patentes litteras, in solo proditoriae rebellionis casu revocabiles, perpetuum jus proprietatis in totam Marilandiam (cujus in continente fines adhuc ignorantur) possideat sibi ac haeredibus suis, atque intra Marilandiam jure fere regio disponit, licet mandatis regiis, si quae acceperit, obedire teneatur.

Licet nostrae provinciae socios sat occupat missio domestica, ab initio tamen occupatae ab Anglis Marilandiae, eo penetrarunt nostri ne plus a mercatoribus avaritia quam a nostris animarum zelus videretur exigere. Cum prima sciz. eo deducta colonia, tres socii missi sunt anno 1633; et primi illi quidem diu aerumnosam ibi egere vitam in coelo aeris intemperie tunc Europaeis gravissimo, solo vero obtecto imperviis silvis et nullius tunc fere rei ad humanos usus necessariae feraci. Excisa tandem immani arborum vi, liberior aer corporibus minus obnoxius hauritur, et paulatim pascuis et arabilibus agris distincta regionis pars est. Nostrae missioni perpetuo tandem possessionis securoque jure sat commodam insulam obtinuimus. In ea aedes praediumque in quo 500 oves et 150 alia pecora alimus, uno coadjutore cum 2 famulis curam illius praedii habentibus: 2 etiam alia praediola habemus. Hinc aluntur nostri, qui sparsi vivunt ubi major operae speratur fructus. Nulli enim vel pagi ea in regione. Speciem aliquam unius refert Mary-town, ubi Ill^mi domini Baltemori aedes, sed quibus tantum 6 aliae accessere. Cum aboriginibus, minus quam in votis esset, commercium nec missionem ad eos ullam certam instituere adhuc nostri, quia singuli fere in silvis ferarum more et venationis causa, qua sola aluntur, mutatis frequenter sedibus, degunt, sine ullo pago proprie dicto, licet urbes vocent tot hominum intra 5 vel 6 leucarum ambitum degentium numerum eumque qui illis praeest regem, qui vero pluribus talibus praesunt imperatores audiunt. Horum unus, plures illorum in primo hujus missionis decennio baptizati sunt. Majus cum eis in Novo Eboraco cum eorum 5 gentibus commercium, vendentibus illis pelles ursinas, castoreas aliasque varii generis. Hic septennium exegit unus e nostris, sed ante triennium coactus exire, ut furori cederet uxoris novi gubernatoris, a principe Auriaco submissi, non quidem titulo religionis ejectus, sed quod in regis sui legitimi Jacobi obsequium posset multos trahere delatus, in Marilandiam venit. Eodem et ex Virginea alius quam missionem coluerat, sub praetextu docendi filios cujusdam praedivitis mercatoris a religione catholica non alieni, urgentibus omnibus Anglis incolis est compulsus redire. Jam numeramus in Marilandia 4 sacerdotes, unum magistrum, qui puerorum educationi praeest, ob capitis debilitatem ad sacerdotium non promotus, et 4 coadjutores temporales,

qui praediorum reique totius nostrae curam habeant, dum sacerdotes solis incumbunt pietatis officiis animarum conversioni.

Ad Majorem Dei Gloriam.

General Archives S.J.; separate thin quarto, 8 pages, attached to the Triennial Catalogues, 1696.

No. 8, P². **1705.**

Triennial Catalogue: extract. *Men and resources. General resources of the houses in England.*

Residentia B. P. N. Ignatii in Marilandia Americae.

Eam Americae partem Canadae obversam occupant, sed qua littoribus adjacet, 13 socii, quorum 8 sacerdotes, coadjutores temporales 5. Hi quibusdam terris adlaborant, e quorum redditu praecise ali possunt qui ibi sunt socii.

Patet hinc omnium intra Angliam collegiorum ac residentiarum proventum annuum purum non excedere 5854 scuta Romana,[2] et constantes eleemosynas 1955. Suis et communibus provinciae sumptibus providet Provincialis, ex iis potissimum vitalitiis pensionibus, quas non paucis nostrorum, dum in Societatem admitterentur vel ante, parentes eorum ipsis constituerant.

General Archives S.J., Catalogus 3, anno 1705.

No. 8, Q². **1711.**

Triennial Catalogue: extract. *Men and resources. No further notice taken by the Province of the Maryland temporal resources.*

Residentia Sancti Ignatii in Marilandia.

Sunt in hac residentia 12 e nostris, quorum 6 sacerdotes sunt. Hi magna loci distantia ab invicem fere divisi fidem catholicam et tueri et propagare ibi conantur. 6 alii sunt fratres coadjutores temporales, qui terris quibusdam allaborant, ex quarum proventu ali praecise possunt qui ibidem sunt socii. Nulla alia ratio habetur hic apud nos vel reddituum vel debitorum vel onerum.

General Archives S.J., Catalogus 3, anno 1711.

No. 8, R². **1714.**

Triennial Catalogue: extract. *The English Provincial defrays the expenses of travelling for the Maryland missionaries, and often*

[2] *It appears from* No. 9, *infra*, note 1, *that, at the time of Cecil Lord Baltimore's* Declaratio Coloniae (*1633*), *a* scutum Romanum *or* scudo *was rated as the fourth part of £1 sterling* (*5s.*).

sends men, as well as supplies which cannot be obtained in America.

Residentia S^ti P. N. Ignatii in Marilandia.

Sunt in hac missione 16 : 9 patres et 7 fratres coadjutores temporales, qui quibusdam terris ibi adlaborant, ex quarum proventu ali possunt qui ibi sunt, P. Provinciali suppeditante viatica, quae sane magna sunt pro itinere, et saepius mittente aliquem [*aliqua ?*] ex Anglia quae ibi comparari non possunt.

General Archives S.J., Catalogus 3, anno 1714.

No. 8, S². **1723.**

Triennial Catalogue: extract. *Labours and success of the missionaries. Work of the lay-brothers.*

Residentia S. Ignatii in Marylandia.

In hac residentia seu missione sunt socii 16, nempe 12 sacerdotes et 4 coadjutores temporales ; qui, per magnum illum terrarum tractum dispersi, in fide catholica tuenda et propaganda magno fructu strenue laborant. Coadjutores temporales curam gerunt rei domesticae et culturae agrorum. Ex horum proventu ali possunt omnes socii. Nulla alia ratio habetur apud nos redituum ad hanc missionem spectantium.

General Archives S.J., Catalogus 3, anno 1723.

No. 8, T². **1737.**

Triennial Catalogue : extract. *Men and resources.*

Residentia S. Ignatii in Marylandia.

Sunt in hac residentia socii 12, quorum 10 sacerdotes, 2 fratres laici. Illi, per magnum terrarum tractum dispersi, in fide catholica tuenda et propaganda magno fructu laborant ; isti curam gerunt rei domesticae et culturae agrorum, ex quorum proventu ali possunt omnes nostri qui ibi sunt ; neque alia habetur hic apud nos ratio redituum ad hanc missionem spectantium.

General Archives S.J., Catalogus 3, anno 1737.

No. 8, U². **1740.**

Triennial Catalogue: extract. *Men and resources.*

Residentia S. Patris Ignatii in Marylandia.

Sunt in hac residentia socii 13: 11 sacerdotes et duo fratres coadjutores. Illi per magnum terrarum tractum dispersi in solitis missionariorum muneribus occupantur; hi gerunt curam rei domesticae et agriculturae, ex quorum proventu aluntur nostri. Nulla autem ratio habetur apud nos reddituum ad hanc missionem spectantium, qui omnino incerti sunt et inconstantes.

General Archives S.J., Catalogus 3, anno 1740.

No. 8, V². **1743.**

Triennial Catalogue: extract. *Statement on the Maryland, Pennsylvania, and Montserrat Missions.*

Missio Marilandica.

Habet sacerdotes – – – – – – – –	11
Fratres – – – – – – – – – – –	2
Universim personas	13

E sacerdotibus unus est superior, alter procurator, reliqui missionarii.

Missio Pensylvanica.

Numerat universim sacerdotes – – –	4

e quibus unus est superior et procurator, reliqui missionarii.

Missio Montiseratensis.

Habet sacerdotem – – – – – – – –	1

qui superioribus externis subjacet.

De proventibus istarum missionum nihil in informationibus.

General Archives S.J., Catalogus 3, mense Junio, 1743.

No. 8, W². **1765, July 23.**

Economical statement of the Maryland and Pennsylvania Missions by the Superior Father George Hunter, submitted to the Provincial Father Dennett.—*See infra*, No. 97 and No. 106.

Maryland-New York Province Archives, as noted loc. cit.

No. 8, X². **1633–1773.**

A summary: incomplete. *Numbers of Maryland missionaries, 1633–1773, exclusive of the lay-brothers.*

FRAGMENTA EX ARCHIVIO ROMANO S. J. COLLECTA.

[*P. 18.*] In manuscripto catalogo de quo memoravimus pag. 14 reperiuntur ab anno 1633 ad 1674 nomina 12 sacerdotum missorum ex Anglia.

1674	„	1700	„	9
1700	„	1730	„	19
1730	„	1750	„	28
1750	„	1773	„	28
				91 [*96 ?*]

Sed ex illis monumentis, quae sunt in Archivio Romano, constat desiderari in hoc Marilandico scripto plura nomina saltem usque ad annum 1700. Insuper in hoc numero non comprehenduntur coadjutores temporales.

General Archives S.J., De Incunabulis—Fragmenta, p. 18, *as above*, No. 8, V.

§ 4. Controversial: in the Dispute with Lord Baltimore, 1633–1670, on Property and Civil Rights.

No. 9. **1633.**

Account of the proposed Maryland Colony. *The first Conditions of Plantation offered by Caecilius, second Lord Baltimore.—See* History, I. §§ 19, 20, pp. 249–253.

Declaratio Coloniae Domini Baronis de Baltamore in terra Mariae prope Virginiam, qua ingenium, natura et conditio regionis et multiplices ejus utilitates ac divitiae describuntur.

Provincia est prope coloniam anglicanam in Virginia, quam honoris causa a Maria conjuge sua Ser^mus^ rex Angliae Terram-Mariae vel Marylandiam voluit appellari. Hanc nuper provinciam idem Ser^mus^ rex pro sua magnificentia, mense junio anni 1632, D^no^ Baroni de Baltamore et haeredibus suis in perpetuum donavit; quam donationem publico totius regni sigillo munivit ac ratam habuit. Idcirco Ill^mus^ Baro jam statuit in eam regionem coloniam ducere, primo et praecipue ut in eandem ac loca finitima lucem evangelii ac veritatis invehat, quo nullam hactenus veri Dei notitiam affulsisse compertum est; tum etiam eo consilio ut socii omnes itinerum ac laborum in partem quaestus et honoris vocentur, regisque imperium latius propagetur. Eam in rem navigationis comites, cum eos qui fortunae aleam secum sint tentaturi, tum alios etiam omni festinatione ac diligentia conquirit. Quippe re tota accurate considerata, et virorum usu ac prudentia praestantium consilio adhibito, omnia tum commoda tum incommoda, quae alias hactenus colonias vel promoverunt vel impedierunt, sedulo jam studioseque perpendit, reperitque nihil quod consilium suum non magnopere probaret ac successum sponderet felicissimum. Nam et scripta, quae post se reliquit nobilissimus pater testis oculatus ac locuples ac fide dignissimus, quaeque constanter referunt qui ad nos inde vel haud procul inde commeant quotidie, tum quae verissime scripsit ac in lucem edidit capitaneus Smithaeus, qui primus eam terram aperuit, mira sane et prope inaudita de soli illius fertilitate excellentiaque commemorat. Accedit etiam innumerabilium hominum qui hic Londini versantur, quique in eas oras, unde aliquando venerant, reversuri sunt, communis consensus ac testimonium, qui quae litteris

mandavit Smithaeus uno ore comprobant atque confirmant. Quapropter nobilissimus Baro, circa medium septembrem proxime insequentem, in ea loca Deo adjuvante vela facturus est, iisque quos sibi in tam praeclaro incepto socios ac adjutores nactus fuerit cumulatissime multa ac largissime pollicetur. Quorum id primum ac praecipuum est (ut omittam honores ac loci dignitates, quae honori, virtuti, fortitudini, rebusque gestis liberaliter ac honorifice tribuentur), ut quicunque 100 libras Anglicanas ad 5 viros transportandos (quod satis erit tum ad arma et instrumenta tum ad vestes et alias res necessarias) numerabit, sive ipsis visum fuerit se nobis adjungere, seu viros pecuniamque iis quibus hoc muneris impositum fuerit, sive alteri cuivis commiserit qui eorum curam gerat et divisionem agrorum recipiat, suis omnibus suisque haeredibus in perpetuum possessio agri boni 2000 jugerum assignabitur. Ad haec, si in prima expeditione socios se praestiterint operamque navarint, partem quoque suam haud exiguam in fructuosa mercatura, de qua postea, aliisque privilegiis obtinebunt. De quibus, cum ad praedictum Baronem venerint accuratius fient certiores. Quod autem antea dictum est de 100 libris Anglicanis, hoc etiam de minore seu majore summa pecuniae pro rata portione, ab uno separatim aut a pluribus simul collata atque praestita, intelligatur.[1]

Consilium primum ac summum Ill^mi^ Baronis est, quod aliorum etiam qui in eadem navi fuerint esse debet, ut in terra tam frugifera non tam frugum atque arborum quam religionis ac pietatis semina spargantur. Consilium enimvero dignum christianis, dignum angelis, dignum Anglis, quo nobilius nullum aut gloriosius tot antiquis Anglia victoriis nobilitata suscepit. Ecce regiones sunt albae ad messem, paratae ad evangelii semen gremio fructifero recipiendum. Indi ipsi mittunt undique nuntios ad conquirendos idoneos homines qui incolas doctrina salutari instruant et sacro fonte regenerent. Adsunt etiam hoc ipso tempore in urbe qui se vidisse testantur legatos a suis regibus hanc ob causam ad urbem Jareli[2] in Virginea missos, infantesque in novam Angliam delatos ut aquis salutaribus abluerentur. Cui ergo dubium esse poterit quin hoc uno tam glorioso opere multa animarum millia ad Christum traducantur. Opus appello gloriosum animarum auxilium ac salutem ; opus enim erat Christi

[1] *The first Conditions of Plantation, as formulated in this Latin document from the General Archives S.J., are the same as those stated in the Italian* Compendio *found in the Propaganda Archives ; the terms there being "400 (Roman) scudi" for the £100 sterling of the Jesuit document :* Però il detto signore . . . propone molte conditioni profittevoli a tutti quei, che vorranno seguitarlo in questa sua attione tanto honorevole ; delle quali conditioni la principale è che, oltre gli honori et offici, che francamente gli vuole conferire conforme i meriti loro di sangue, valore e virtù, vuole ancora donare due mila jugeri di buon terreno per loro et loro heredi per sempre in quei paesi a ciascuno, che contribuirà quattrocento scudi per la transportatione di cinque huomini, ciò è ottanta scudi per huomo, la quale somma dovrà essere bastante per transportarli e fornirli d'armi, vestiti, ordegni, utensili e viveri per un anno. Di più haveranno una buona parte di guadagno d'una certa mercantia, della quale più a basso si farà mentione, oltre molti privilegi e commodità. *For the occasion and origin of the Italian* Compendio, *cf.* History, I. § 36, p. 333, note 2, *and* § 19, p. 251, note 3.

[2] Jacobi? *Jamestown.*

regis gloriae. Caeterum cum omnibus idem ardor animi ac mentis altitudo non sit, ut nihil nisi divina spectent, nihil nisi coeleste intueantur, quin plurimos potius voluptates, honor, opes quasi adamantes, occulta quadam vi seu aperta magis [*trahant?*], singulari Numinis prudentia factum est ut hoc unum opus omnia hominum incitamenta, omnia generis emolumenta complecteretur.

In confesso est situm regionis optimum esse ac commodissimum, quippe quae ad 38 vel 40 gradum in aquilonem porrigitur, situ loci Hispali, Siciliae, Hierusalem et optimis Arabiae Felicis plagis et Chinae haud absimilis. Aer serenus ac mitis nec ardoribus Floridae vel antiquae Virgineae infestus, nec Novae Angliae frigoribus exustus, sed mediam quandam inter utramque temperiem obtinet, utriusque fruitur bonis ac mala nescit. Ab oriente oceano alluitur, ab occidente infinito prope continenti objacet, qui in mare Chinense protenditur. Duo aestuaria habet sane magna; utrinque sinus piscium foecundissimi. Alterum cui nomen Chesa-peack 12000 passuum latum binisque interfusum regionibus, ab austro centum et sexaginta millia passuum in aquilonem volvitur, magnarum capax navium, discretum variis iis amplis ac pascu[*o*]sis insulis, in quibus piscium quos Largos vocant copiosa piscatio; alterum appellant Pilawase, ubi integro anno asellorum piscatio est, sed non adeo commoda nisi mensibus tantum frigidioribus, nam calidiores sale condiri vetant. Adhaec quidem tanta piscandi copia hinc fit quod ventus, qui a Canariis inter aquilonem et orientem constanter spirant, volvit oceanum simulque pisces in aestuarium Mexicanum; ubi, cum nec in orientem nec austrum evolvi datur, magno impetu in aquilonem pellitur perque oras Floridae, Verginiae, Marylandiae, Novae Angliae magnam secum multitudinem piscium everrit, qui, dum cetos fugiunt, ad loca vadosa confugiunt, ubi facilius a piscatoribus capiuntur. Flumina sunt varia atque inclyta, quorum praecipuum Attawomech appellant, navigationi opportunum, 140 millia passuum influens in orientem, ubi commercium cum Indis tam quaestuosum habetur, ut mercator quidam pelles castrorum [!] 40000 aureorum pretio ultimo anno convexerit, ac mercaturae labor trigesimo foenore compensatur.

In planitie ac apertis campis copia graminis magna, sed regio majore ex parte nemoribus opaca. Quercus juglandes frequentissime; ac quercus quidem ita rectae et procerae ut trabes inde fieri possint altae 60 pedum, latae 2 et dimidium. Cypressi etiam, antequam ramos emittant, ad 80 pedes eriguntur, truncum vix 3 viri extentis brachiis metiuntur. Mori frequentissimae ad escam bombycum; invenitur etiam granum sericum quod Lusitani Sove del'hierva vocant. Alni, fraxini, castaneae haud impares iis quas Hispania, Italia, Gallia ferunt; cedrique aequales iis quibus Libanus gloriatur. Quid dicam de pinu, lauro, abiete, saxo-prasso et reliquis cum variis etiam arboribus quae balsama et gummi odorifera reddunt; arbores ad omnia utilissimae, ad architecturam, ad rem nauticam, opus tabulatum, ad picem resinam, liquidam picem, terebinthum, sinegma,

odoromata, cataplasmata conficienda. Sylvae autem perviae, non horridae spinis aut arbustis, sed ad pastum bestiis, hominibus ad voluptatem a natura factae. Adsunt vites ubertate, ex quibus vinum exprimi potest, quaedam cerasis pares, quarum humor crassus et unguinosus. In[c]olae Mesamines vocant; cerasa prunis Damascenis aequalia; grossularia nostris simillima. Tria sunt genera prunorum; mora, castanea, juglandes ita abundant ut varias ad escas adhibeantur; fragra et rubos Idaeos ibidem invenias. De piscibus qui sequuntur etiamnum in notitiam venerunt: sturiones, turciones [?], phocanae, aristoci, squillae, torpedines, trutae, melanurae trium generum, erechini, rubelliones, albi salmones, conchae, cocleae et alii id genus innumeri nomine et genere ignoti. Caeterum tanta porcorum et cervorum copia est ut molestiae potius quam commodo sint. Vaccae etiam innumerabiles ac bubali ad onera et escas idonei, praeter alia quinque genera magnarum bestiarum nobis ignota, quae finitimi ad mensam adhibent. Oves vel hinc vel a Canariis petendae; asini item et muli. Equis, tauris, vaccisque sylvestribus plena sunt proxima nemora, ex quorum parte ea quae occidentem spectat in Novam Mexico quotannis 5 vel 600 millia deportantur Hispalim. Caprarum quantum visum fuerit a finitimis peti poterit. Adde huc mures odoratos, ciuros, castores, fibros, vulpes, martiches, curculiones, non tamen ut nostri ovis et gallinis infestos. Inter volucres aquila voracissima, accipitrum varia genera, qui piscibus magna ex parte victitant; perdices coturnicibus haud majores sed multitudine prope infinitae. Innumerab[i]les etiam afrae aves agrestes, quae nostras cicures et domesticas duplo magnitudine exsuperant. Sunt etiam merulae et turdi minutaeque aviculae multae variaeque, quarum aliae rubrae, caeruleae aliae, etc. Hyems abundat cygnis, anseribus, gruibus, ardeis, anatibus, kirtheis, glauceis, psittacis, aliisque compluribus nostro orbi ignotis. Mala limonia et mala cotonea fert optima. Armenia item tanta sunt ubertate ut vir honestus ac fide dignus constanter affirmaverit se ultimo anno 100 modios porcis projecisse. De lupinis praestantissimis, fabis et radicibus aliisque ejusmodi quid dicam? cum etiam pisa illis in locis 10 diebus ad 14 digitos excrescant. Regio frumenti adeo ferax est ut in maxima sterilitate bis centuplo semen reddat; alias et plerumque, pro uno granulo 500 aut 600, melioribus annis 1500 vel 1600; et haec quidem una duntaxat messe, cum ternas per annum fertilitas soli suppeditet. Verisimile est omnibus Italiae fructibus solum idoneum fore, ficubus, pomis granatis, aureis, olivis, etc., ut brevi perstringam. Non desunt quae fullonibus et apothecariis usui esse possunt. Nec stanni, ferri, cannabis, lini copia desideratur; spes etiam auri inveniendi; nam finitimi ex auro sed nondum facto armillas gestant, ac margaritarum longas catenas. Multa etiam alia commoda atque divitiae sperari poterunt, quae sagax hominum industria et longus usus inveniet.

Endorsed: P. Anglia,
Descriptio Marilandiae in America.

General Archives S.J., Anglia, Historia, iv. pp. 877–880. *Three and a half closely written pages, large folio, contemporary copy, the paper being, not that of Rome, but of England or Flanders; the hand the same as that which wrote out other documents at this time in England, apparently Father Alacambe's; and the endorsement seemingly in the hand of the General, Mutius Vitelleschi. There are some clerical errors in the copy. Cf.* History, I. § 15, note 5, *on Alacambe.—The* Compendio *is in the Propaganda Archives*, Lettere, I. Anglia, 347, ff. 287, 288. *An ample endorsement*, f. 288ᵛ, *repeats the Conditions about the money contributions and the 2000 acres.*

No. 10. **1635, 1636.**

Panzani Papers. *A short selection* (A—W) *taken chiefly from the Public Record Office, London,* Transcripts from Rome, xvii., Barberini (2), (*Stevenson*); *then collated with originals in the Barberini Library, Rome, and in the Vatican Archives. The indication for the former originals is to volumes of letters and drafts:* Barberini, cvii. 21; cvii. 22, *etc.; or* Lettere Sciolte, Inghilterra, 24, 25, *etc.*; *for the latter originals the reference is to the Nuncio's reports, or Vatican Archives* (*not Library*), Nunziatura d'Inghilterra, 5, 6. *The Barberini Library has now been acquired by the Vatican Library* (*not Archives*), *where its documents may be consulted.*

The despatches of Panzani are all from London to Rome. The translations and explanations may be seen where they are used: History, I. §§ 41, 42.

No. 10, A. **1635, July 11.**

Gregory Panzani, from London, to Cardinal Francis Barberini, Secretary of State, Rome. *On John Lewger, converted minister; on a certain temporizing policy of the same, approved apparently by Panzani.—See* History, I. § 42, pp. 359, 360.

Di Londra dal Sig^r Gregorio Panzani, li xi di luglio 1635—Decifrato li 6 agosto.

Ho tanto operato con questi secolari, che credo, che due di quelli giovani convertiti nuovamente, delli quali scrissi con le passate a V. Em^za, andaranno in Lisbona in quel collegio. Per quell'altro m'ingegnerò di trovar qualche recapito, sì come anche raccomandai al P^re Filippo Gio. Leuger ministro molto dotto, convertito ultimamente, il quale ha fatto molte dispute contro questi ministri; et essendo venuto da me l'accolsi con straordinario affetto, promettendo di fare per lui tutto quello che potessi, e rimase soddisfatto, siccome ho saputo da molti. Questo va anche vestito da ministro, sì perchè detta veste non è tenuta distintiva, per esser comune anche alli scolari, si perchè egli si va

trattenendo così per non perdere le sue entrate finchè non trova qualche altra cosa. Il Vescovo di Londra e l'Arcivescovo di Cantuaria sanno che è convertito, nondimeno fingono di non saperlo, e lo tollerano. Veramente ognuno mi dice, che bisognerebbe pensare a qualche assegnamento per queste persone, perchè mi viene supposto, che molti si convertirebbero se avessero con che vivere, perdendo il beneficio; anzi questa è una delle strade per arrivare all' unione; perchè questi, prima di dichiararsi scopertamente cattolici, potrebbero nelle prediche disporre il popolo. Rimetto questo negotio alli piedi di S. S^{ta} e di V. E.

Ho avuto adesso nuova, che si è trovato padrone anche per l'altro giovane, del quale scrissi. Gli ho dato un poco di elemosina per rivestirsi.

P. R. O., Transcripts from Rome, xvii., *Barberini* (2), *under date, where several ciphered despatches follow for the same day.—Barberini Library*, Inghilterra, Panzani, maggio-agosto, 1635, cvii. 21; 5*th* f^{v} *of deciphered despatch.*

No. 10, B. **1635, August 8.**

Panzani to Barberini. *Panzani has forged a cipher and passed it off on Secretary Windebank, as if it came from Cardinal Barberini.* —*See* History, I. § 42, p. 361.

Di Londra dal Sig^{r} Gregorio Panzani, li 8 agosto 1635—Decifrato li 17 settembre.

Diedi al Windibanch una finta cifra nella quale fingevo che V. Em^{za} desiderasse che costà venisse il suo figlio, per rendergli le cortesie che egli mi fa; et egli giubilò per allegrezza, e spera che circa la prossima Pasqua habbia da esser costà.

P. R. O., as above, under date.—Barberini Library, cvii. 21; 5*th* f. *of deciphered despatch.*

No. 10, C. **1635, August 15.**

Panzani to Barberini. *Baron Baltimore; his Indian plantation; his settling the Jesuits there; dangers in consequence.*—*See* History, I. § 41, p. 355.

Di Londra, Panzani, 15 agosto 1635—Decifrato li 17 settembre.

Il Barone Balcimò ha una popolatione, noi diciamo un feudo, nelle Indie Occidentali; e perchè per istruire quei popoli nella religione cattolica vi ha mandati alcuni giesuiti e procura mandarvi solamente giesuiti, si dubita, che il Cantuariense non gli tolga detta popolatione dubitando, che non vi si annidino di tal maniera li giesuiti, che possino

pregiudicare allo Stato. È però favorito assai del Cottintone onde egli ancora sta molto pauroso.

P. R. O., as above, under date.—Barberini Library, as above; 7th f. of deciphered despatch.

No. 10, D. **1635, August 22.**

Panzani to Barberini. *Baron Baltimore, hand in hand with the Jesuits, is manoeuvring with an oath to gain over the King. A secular clergyman and Panzani himself on the oath.—See* History, I. § 41, p. 355.

Di Londra dal Sig^r Gregorio Panzani, 22 agosto 1635—Decifrato li 4 d' ottobre.

Il Barone Balcimor tutto per li giesuiti, trovandosi in afflitione, dubitando di perdere il feudo d'India, si vorrebbe guadagnare il Re. Indi, aiutato dalli giesuiti per quanto si crede, ha composto l'acclusa formula del giuramento, e la vuole essibire; e prima l'ha voluta mostrare ad un prete secolare, forse acciò anche li secolari l'approvino. Mi è stata portata, et io ho detto che per mio gusto la leggerò, che del resto io non mi posso ingerire in questo negotio, et ho detto che ogn'uno havrà caro, che li cattolici nelle cose lecite, salva la religione, diano soddisfatione al Re. Il sacerdote che me l'ha portata non l'approva troppo, et esso vuol dire, che si veda di cassare totalmente il nome del Papa. Iddio dia buon esito a questo negotiato.

P. R. O., as above, under date.—Barberini Library, as above; 7th f. of deciphered despatch.

No. 10, E. **1635, August 29.**

Panzani to Barberini. *Toby Matthews and the oath. The Jesuits and their intrigues in the matter of the Pope's authority. Panzani's own dexterity in advising the secular clergymen.—See* History, I. § 41, pp. 355, 356.

Di Londra dal Sig^r Panzani, 29 agosto 1635—Decifrato li 4 ottobre.

Sto nondimeno cercando occasione d'abboccarmi seco [*Tobia Mattei*] per spingerlo destramente con le cautele avvisatemi da V. Em^za a proporre una nuova formula di giuramento, se bene credo, che egli habbia le mani in quella che propone il Barone Balcimor, come ho detto con le passate. In ogni caso è difficile parlar ad alcuno fin' al mese di ottobre, perchè adesso Londra è deserta, et ognuno è in villa.

Ho saputo, che il detto Barone, quando mostrò detta formula a quel sacerdote secolare gli ordinò che la mostrasse a me; ma quello sapendo ciò che io havevo detto a lui, et ad altri, gli rispose che io non mi volevo intrigar in detto negotio in modo alcuno. Ma nondimeno me la fece vedere nascostamente. Mi vien confirmato che vi habbino parte li giesuiti, li quali pretendono voler sfuggire di giurare contro l'autorità del Papa, che non possa scommunicare e privare del Regno; ma solo che, chi vuol giurare, giuri che non ostante dette scommuniche e privationi saranno fedeli al Re. Di nuovo ho destramente esortato quel sacerdote a procurare per quanto può, che non si nomini il Papa nella nuova formula.

P. R. O., as above, under date.—Barberini Library, as above; 5th f.

No. 10, F. **1635, September 5.**

Panzani to Barberini. *Baltimore's oath. Panzani divines that the Jesuits had nothing to do with it.—See* History, I. § 41, p. 356.

Di Londra, dal Sig^r. Gregorio Panzani, 5 di settembre 1635—Decifrato li 15 d'ottobre.

Il Barone Balcimor non ha ancora presentato la formula. Mi vien detto che l'habbia mostrata al Provinciale de giesuiti, il quale vuol consultarvi sopra. Dal che, se è vero, si può concludere la falsità della voce, che detta formula sia farina de giesuiti. In ogni caso osserverò diligentemente quanto si farà in detto negotio.

P. R. O., as above, under date.—Barberini Library, as above, Panzani, settembre–decembre, 1635, cvii. 22; *5th* f.

No. 10, G. **1635, September 19.**

Panzani to Barberini. *Panzani finds out that the oath is not for England at all, but for Baltimore's plantation in America.—See* History, I. § 41, p. 357.

Di Londra dal Sig^r. Gregorio Panzani, li 19 settembre 1635—Decifrato li 30 d'ottobre.

Tobia Mattei non è anche venuto da me, anzi intendo, che è in villa, e quando torni vedrò d'incitarlo ad abbracciar il negotio del giuramento, o vero ad aiutare il Balcimor, che, come scrissi, si haveva fatta una formula. Ho inteso però, che quella formula servirà solo per gli huomini del suo feudo, che qui chiamano Piantatione in India, e mi è stato detto, che l'ha essibita al Re. Cercherò di sapere meglio il tutto.

P. R. O., as above, under date.—Barberini Library, as above; 3rd f.

No. 10, H. **1635, September 19.**

Panzani to Barberini; in same letter. *A word of the Jesuit Provincial, on the difficulty of composing a passable oath, disconcerts Panzani, with his information previously acquired.—See* History, I. § 41, p. 357.

E' stato da me il P. Provinciale dei giesuiti. . . . Io allora entrai nella nuova formula dicendo ex me, che se si potesse dar sodisfattione al Re con una formula, che non repugnasse alla nostra religione, dovrebbe qualche cattolico più favorito procurare di proporlo; che io in quanto a me havrei sempre creduto che la Sede Apostolica havrebbe gusto, che si potessi con buona r e p u t a z i o n e s u a aggiustare questo negotio, protestandomi però di dire il tutto ex me. Egli rispose, ch'esso non credeva che ciò fusse facile; per le quali parole io venni a dubitare di quelle, che sopra ho detto del Balcimor. Ma pure il tempo scoprirà ogni cosa.

P. R. O., as above.—Barberini Library, as above; 4th f.

No. 10, J. **1635, October 3.**

Panzani to Barberini. *Reports progress, but has learnt nothing.—See* History, I. § 41, p. 357.

3 ottobre 1635.

Intendo che il negotio della formula del Baltimor si proseguisce, ma non ho potuto sapere altri particolari.

P. R. O., as above.—Barberini Library, as above; 6th f.

No. 10, K. **1635, October 24.**

Panzani to Barberini. *The Jesuit Provincial's criticism on Baltimore's oath. Panzani's persuasive discourse, inducing the Provincial to draw up a formula.—See* History, I. § 41, pp. 357, 358.

Di Londra dal Sig^{r} Gregorio Panzani, li 24 di ottobre 1635—Decifrato li 26 novembre.

Panzani asked the Provincial to have a learned Jesuit draw up a formula of oath. Anzi egli mi disse che sapeva, ch'un Barone, cioè il Baltimor, haveva per le mani una formula da proporre, che non credeva piacerebbe a Roma. Io non confessando d'haverla mandata a V. Em^{za} li dissi che se egli giudicava che non dovesse piacer a Roma, bisognava trattenerlo, et intanto far una buona formula, e pregarlo che dovesse essibirla; perchè

se il Re vedrà che li cattolici non vogliono accettar una formula esibita da un cattolico, che crederà egli esser stata composta con maturità, tanto più s'inasprirà contro cattolici, e potrebbe muovere qualche persecutione. Gli entrò questo punto e promise applicarci. Io però mi protestai di non dar, nè di voler, giuditio alcuno di detta formula, dichiarando non esser mio mestiere d'entrar in materie teologiche.

P. R. O., as above.—Vatican Archives, Nunziatura d'Inghilterra, 5, f. 101.

No. 10, L.

Cardinal Francis Barberini, Rome, to Panzani, London. *Answer to the foregoing letter: insinuates a lesson of prudence to be learnt from the conduct of the Provincial of the Jesuits, in keeping aloof from the manufacturing of oaths.—See* History, I. § 41, p. 358.

[*Al Sig*r *Panzani*], seconda delli 24 8bre '35.

Dal non haver voluto offerirsi il Provinciale de giesuiti di persuadere a qualche cattolico di fare una formula di giuramento, che piacerà allo Stato, e non offenda le conscienze, si raccoglie, che quei padri prudentissimi vi scorgono gran difficoltà, et ha fatto bene a persuadere, che si supprima quella del Baltimor, non essendo quà tolerabile.

Vatican Archives, as above, f. 118. *Minute of answer, without date.*

No. 10, M. **1635, December 5.**

Panzani to Barberini. *Baron Baltimore means to offer his formula of an oath to the King. Panzani asks the secular priest Leyburne to manage that the Pope's name shall not appear in said formula. —See* History, I. § 41, p. 358.

Di Londra dal Sig^{r} Gregorio Panzani, li 5 decembre 1635—Decifrato li 8 gennaro.

Il Barone Baltimor presto vuol offerire al Re la sua formula del giuramento; et io di nuovo ho pregato il Laborn prete secolare suo confidente, che voglia operare, non vi si metta il nome del Papa, o sua autorità.

P. R. O., as above, under date.—Vatican Archives, Nunziatura d'Inghilterra, 5, f. 145.

No. 10, N. **1636, January 17.**

Barberini, Rome, to Panzani, London. *Answer to the foregoing letter: Baltimore's formula of an oath to be withheld, and*

meanwhile a copy to be sent privately to Rome.—See History, I. § 41, p. 358.

Al Sig^r Panzani, 17 gennaro 1636.

È bene che procuri di far soprassedere il Baron Baltimor d'offerire la sua formula del giuramento al Re, et tra tanto ne procuri copia, et la mandi secretamente senza scoprirsi di volerla mandare.

Vatican Archives, as above, f. 150.

No. 10, O. **1635, December 19.**

Panzani to Barberini. *An effort made through a secular priest, to have Baltimore change his formula, has failed.—See* History, I. § 41, p. 358.

Dal Sig^r Panzani, li 19 decembre 1635—Decifrato li 24 gennaro.

Ho fatto procurare per mezzo di un prete secolare, che in qualche maniera si aggiustasse la formula del giuramento, che vuol proporre il Baron Baltimor; ma esso non ha voluto levar il nome del Papa, ne far alcuna mutatione di momento. Non ho voluto far altro tentativo, per non scoprirmi et mostrarmene consapevole.

P. R. O., as above, under date.—Vatican Archives, as above, f. 160^v.

No. 10, P. **1636, January 30.**

Barberini, Rome, to Panzani, London. *Answer to the foregoing letter: approval of the policy followed in the matter of suppressing Baltimore's formula.—See* History, I. § 41, p. 358.

Al Sig^r Gregorio Panzani, 30 gennaio 1636.

Non resti di procurare che il Baron Baltimor soprasseda di proporre la formula del giuramento, massime mentre non ha voluto levar il nome del Papa. Ella fa molto bene a non mostrarsi consapevole di essa, et giudicandolo opportuno potrà farne a suo tempo dichiaratione, che non s'ingerisce in simil materia.

Vatican Archives, as above, f. 161.

No. 10, Q. **1636, January 16.**

Panzani to Barberini. *He finds that his efforts to stop Baltimore are very "aromatic."—See* History, I. § 41, p. 358.

16 gennaro 1636.

Circa il giuramento procurerò impedire il Baltimor. Questo è un negotio molto aromatico.

P. R. O., as above, under date.—Vatican Archives, as above, f. 181.

No. 10, R. **1636, February 27.**

Panzani to Barberini. *The case of John Lewger again. Panzani's efforts to save the Cardinal from being appealed to for contributions. Father Price and the procurator of the Benedictines engaged in measures to provide for the support of Lewger and his family.*—*See* History, I. § 42, p. 360.

Di Londra dal Sig^r Gregorio Panzani, li 27 febraro 1636—Decifrato li 7 aprile.

Mi fu già raccomandato dal P^re Leandro Gio. Leuger ministro convertito, il quale havendo perduto un beneficio di 400 scudi non ha adesso con che sostentare la sua moglie e figli fatti cattolici. Adesso mi è stata rinnovata la raccomandatione dal P^re Priscio. Ho cercato in varie maniere d'animarlo, et ho parlato più volte al P^re Filippo in sua raccomandatione, ma non ho potuto ottenere cosa di consideratione ; e puoca cosa non li basta, perchè vorrebbe o una grossa somma adesso, o qualche cosa ogni mese, sì come il Residente di Spagna, d'ordine del suo Re, si dice che dia a varie persone. Io gli ho detto, et gli ho fatto dire, che molto mi rincresceva di non haver commodità di soccorrerlo in questa maniera, e facendo egli instanza ch'io mandassi un memoriale a V. Em^za io ho cercato ritirarmene esaggerando le grandissime spese di V. Em^za Ma perchè egli nondimeno confidava in V. Em^za, et alquanto pareva dubitasse che io non volessi far il servizio, si risolse di mandare il memoriale al procuratore de Benedettini. Non so se lo farà. Scrivo questo all'Em^za V. acciò non sia colta all'improviso.

P. R. O., as above.—Vatican Archives, as above, f. 215^v.

No. 10, S. **1636, February 27.**

Panzani to Barberini: same letter. *Promises to do as commanded* (*supra*, No. 10, N).—*See* History, I. § 41, pp. 358, 359.

27 febraro 1636.

Procurerò con tutto lo sforzo far soprasedere il Baltimor, e vedrò di haver la sua formula del giuramento per mandarla.

P. R. O., as above.—Vatican Archives, as above, f. 220^v.

No. 10, T. **1636, March 12.**

Panzani to Barberini. *Leyburne reports that Baltimore will not proffer the formula.—See* History, I. § 41, p. 359.

12 marzo 1636.

Ho procurato impedire la formula del Baltimor, et il Laborn prete secolare, suo amico, è venuto a dirmi, che detto signore è risoluto non volerla proporre.

P. R. O., as above.—Vatican Archives, as above, f. 226ᵛ.

No. 10, U. **1636, May 28.**

Panzani to Barberini. *Promises to observe instructions touching matters of state. Commends John Lewger for a charity, which would encourage others to enter the Church.—See* History, I. § 42, p. 360.

28 maggio 1636—Decifrato li 5 luglio.

Alla cifra di V. Emᶻᵃ delli x aprile rispondo, che m'ingegno d'usare ogni possibile cautela nel trattare con questi SSᵗⁱ Ambasciatori, et altri Ministri . . . Sarà un'opera di gran conseguenza l'aiutare Gio. Leuger ministro convertito, perchè intendo che altri ancora si convertirebbero, se sperassero simili aiuti.

P. R. O., as above.—Vatican Archives, as above, ff. 304ᵛ, 305ᵛ.

No. 10, V. **1636, July 8.**

Panzani to Barberini. *How the Archbishop of Canterbury supported his aggressions on the rights of others by producing papal Bulls, and by invoking the King as having papal power; and how he was rebutted by other papal Bulls.—See* History, I. § 17, pp. 238, 239, note 7.

8 luglio 1636.

Il Cantuariense ha voluto visitare il decano Vestmonasteriense, che è il vescovo Lincolniense, il quale si è difeso con alcune bolle papali antiche nelle quali era detta chiesa fatta esente; ma l'arcivescovo dicono habbi trovate altre bolle revocatorie. . . . [*F. 337.*] *In like manner, Cambridge University defending itself against the same Archbishop*, il Cantuariense rispose, che il Re haveva l'autorità del Papa, e il Re ha ordinato che la possi visitare come primate.

P. R. O., as above.—Vatican Archives, as above, ff. 336, 337.

No. 10, W. **1636, August 25.**

Panzani to Barberini. *He is anxious to see help come for John Lewger, as well as faculties for Longueville.—Cf.* History, I. § 42, p. 360.

26 agosto di Northampton—Decifrato 30 settembre.

Aspetterò con curiosità le facoltà del Longavilla, e l'aiuto da darsi a Gio. Leuger ministro convertito.

Vatican Archives, as above, f. 344.

No. 11. **1638.**

The Cases of John Lewger, twenty in number.—*See* History, I. § 51, p. 426; § 52 (2), pp. 430–433; § 63 (1), pp. 509, 510; § 63 (3), pp. 515, 516.

THE CASES.

In a Country (as this is) newly planted, and depending wholy uppon England for its subsistance, where there is not (nor cannot be, untill England be reunited to the Church) any Ecclesiasticall discipline established (by law of the province, or graunt of the prynce), nor provinciall Synods held, nor spirituall Courts erected, nor the Cannon law accepted, nor ordinary, or other Ecclesiasticall persons admitted (as such), nor Catholick religion publickely allowed; and whereof three partes of the people in foure (at least) are heretickes, I desire to be resolved—

1. Whether a lay Catholick can with a safe conscience take charge, or government, or of an office in such a country as this, where he may not nor dare discharge all the dutyes, and obligations of a Catholick magistrate, nor yeald and mayntayne to the Church all her rights and libertyes, which shee hath in other Catholick countryes?

2. Whether the lay Catholickes (in such a Country as this) are bound to accept, or admitt of all the Canon law, and in speciall of the Councill of Trent (extra fidem) or whether the Canon law (as such) binds in this Country afore it be accepted by some law, or custome?

3. Whether the exemptions of the Clergy for theyr persons, lands, goods, tenaunts, domestiques, or priviledg of Sanctuary to theyr houses, or churches, etc., are due to them of Divine right by immediate grant from Christ to his Church, so that princes becomming Christians were instantly obliged in conscience to allow, and confirme those exemptions, or at least to permit, and suffer the Church to practise, and enjoy them; or whether they hould them of the free, and voluntary guift, and devotion of pious princes, and states, so that in a Country newly erected, or becomming Christian, a graunt, or Charter from the prynce thereof of such libertyes,

and exemptions is necessary, before the Clergy of such a Country can clayme them, as theyr right and due in point of conscience; and whether before such a graunt, admittance, or allowance of theyr priviledges, may the state practise contrary to them, without sacriledge or incurring the censures of Bullae Coenae?

4. Whether houlding of Courts with externall coercitive jurisdiction be a part of the powers of the Keys left by Christ to his Church, or whether it be a part of the sword put by God into the hands of princes, and from them graunted unto spirituall ordinaryes: and when Ecclesiasticall Tribunalls are here to be erected with such power of externall coercitive Jurisdiction, may the prynce erect them by his own Charter, or must it be done by speciall commission and delegation of the Sea Apostolique?

5. Whether the conusance of causes testamentary belong to the spirituall Court out of the nature of the causes themselves, and of the Churches proper right, so that Christian prynces had no rightfull power to heare and determine them, or whether princes becomming Christians did of theyr voluntary election sever theyr causes from theyr crown, and commit them to the spirituall ordinaryes, in consideration of some connexion and dependance which those causes have with some part of Christian doctrine, which must be sought from the mouth of the priest, or in presumption of theyr faithfulnes in discharging of theyr trusts?

6. Whether, in such a Country as this, may lay Judges being Catholique by commission from the Lord Proprietary, or appointment of the law of the Country, prove wills, and commit Administrations of the goods of the deceased intestate, or whether they must have an intention to doe it as delegated of the Sea Apostolique, and are obliged to endevour with effect to procure such delegation, or else incurre the censures of the Bulla Coenae?

7. Whether, in such a Country as this, may a Catholique Commissary refuse to prove, and record a will for this reason, because it giveth Legacyes for masses to be said for the soule of the deceased, and conteynes in it the profession of the Testator to dye a member of the Romane Catholick Church, out of which there is no salvation, with other passages contrary to the Religion of England, or whether is he bound to prove it, though the Lord Proprietor may incurr danger for such a record?

8. Whether Catholicks being members of the Generall Assembly in such a Country as this may consent to the making of lawes touching causes testamentary, and namely to a law, which shall appoint the residue of the estate of the deceased persons, after all debts discharged and legacyes paid, to be employed to publick uses of the State, and not to pious uses, as it is in other Catholique countryes?

9. Whether Catholiques, being members of the Generall Assembly in such a Country as this, may consent to a law prohibiting the bequeathing

or otherwise aliening of any lay fee to spirituall persons, or religious houses, without leave of the prynce, and voiding all guifts, and alienations made otherwise?

10. Whether a Catholique Executor, or Administrator in such a Country as this, may observe the order of administring the goods of the deceased used, and prescribed in England (viz^{t} To discharge first the debts due to the prynce, then executions, then judgements, then recognizances, then bonds, etc.); or whether is he bound to observe Ordinem Restitutionis, delivered by Casuists (as Bonacina, and others) viz^{t}. To discharge first the debts due to spirituall persons, and after lay debts in order as afore. And whether a Catholique may refuse such an illegall attempt, and compell the Executor, and Administrator to satisfye Creditors, according to the law of England?

11. Whether may Catholiques, being members in a Generall Assembly in such a Country as this, consent to any lawes touching causes matrimoniall, as to appoint the publishing of bands (for politique considerations) and to prohibite mariage without such bands published, or licence obteyned from the Commissary being lay, or to limitt the degrees of consanguinity, within which mariage shall not be contracted, or for the triall and determinings of causes of alimony, dower, contracts of spousall, divorce, etc.; or whether may a Catholique being lay, under the prynce, seale, graunt licences of mariage, and by commission from the prynce try, and determine such causes according to the law of the country, or in defect thereof according to the common law, without the incurring the censures of Bulla Coenae?

12. Whether may Catholicks, being members of the Generall Assembly in such a Country as this, consent to a law prohibiting the mariage of Apprentises without consent or leave of theyr master and mistresse, and imposing penaltyes uppon the priest or minister solemnizing such mariage; and whether such a law be against the liberty of mariage?

13. Whether may Catholiques, being members of the Generall Assembly in such a Country as this, consent to a law which for politique considerations barrs the female from inheriting, or houlding of Lands, unlesse they marry within a tyme limited (only leaving them at liberty, to sell or dispose thereof to theyr best advantage), and whether such a law is against conscience?

14. Whether Land graunted by the Lord Proprietor to Religious persons by the ordinary, and common conditions of plantations doth eo ipso (because it is graunted to Religious persons) become spirituall fee, and exempt from laica onera?

15. If a trespasse be pretended to be committed upon the Lands held by Religious persons, whether may the Religious without trying the trespasse in some court (spirituall or temporall) proceede against the pretended trespasser, by putting in force against him the censures of Bulla Coenae? And whether by such declaration the party be really

and to all spirituall effects involved in the censures afore he be adjudged a trespasser uppon theyr land in some Court?

16. When grauntes of lands, made by the prynce to severall persons lay and religious, are found prejudiciall to the publick, and fit to be reformed, whether may Catholicks being members of the Generall Assembly, in such a Country as this, consent to a law reforming all such graunts? And whether may such a generall law include the graunts made to the Religious; and whether may the prynce by vertue of such a law resume, or reforme such graunts made to them afore, or without a voluntary surrender, or resignation of them by the Religious?

17. Whether, in such a Country as this, may the prynce or secular Judge being Catholique sommon Ecclesiasticall persons to the Generall Assembly, or draw them into secular Court, where they are defendants in actions of debt, accoumpt, trespasse, and other personall, and reall actions, and may he give sentence therein as lawfull Judge and execute it uppon theyr persons, lands, or goods, without incurring the censures of Bulla Coenae?

18. Whether, in such a Country as this, may the secular Judge being Catholick proceed to the tryall and punishment of Clerkes being in orders for any offences against the peace, and dignity of the Lord Proprietour, or for capitall cryme extending to the losse of life, or member, without the incurring of Bulla Coenae?

19. Whether, in such a Country as this, may Catholiques being members of the Generall Assembly consent to lawes imposing generall contributions towards publique charges for the necessary support of the prynce, or defence of the Country, and whether are spirituall persons, theyr lands, or goods included within such lawes (for want of exception)? And whether may the secular Judge being Catholique award writts for levying of such impositions, uppon the lands or goods of spirituall persons, or religious houses (without speciall and expresse licence from the Sea Apostolique); or may he accept or receive such imposition from spirituall persons of theyr own voluntary offer without incurring the censures of Bulla Coenae?

20. Whether the Representative body, mett in Generall Assembly, may make lawes to dispose of the Interest and Rights of particular persons, as namely of Clergy men, not being present, nor having proxies in such Parlament, or Assembly (though lawfully summoned thereunto), nor otherwise holding synods provinciall, wherein theyr consents to such lawes might be expected; and whether are such lawes against conscience?

Stonyhurst College MSS., Anglia A, iv. No. 108B, ff. 198–200; *a contemporary copy* (*if not original*). *Published in Fund Publication*, No. 18, pp. 73–78. *Reduced to Nine Queries in Latin*, Quaestiones quaedam, *Stonyhurst MSS.*, Anglia A, iv. No. 108C, ff. 202, 203, *in same office hand as the* Relatio Itineris.—*Translated into English and published: Fund Publication, as above*, pp. 71–73.—*The same* Quaestiones quaedam *are in the Vatican Archives*, Nunziatura d'Inghilterra, 4, ff. 78, 79.

No. 12, A. **1641, November 10.**

New Conditions of Plantation. *Provisions No. 5 and No. 6, against the tenure of land in mortmain.—See* History, I. § 62 (1), pp. 499–501.

. . . 5. Item quod nulla Corporatio, Societas, Fraternitas, Municipium, Corpus politicum, sive illud ecclesiasticum sit, sive temporale, capax erit vel habebit beneficium, ex vi praedictarum conditionum plantationis, sibi accipiendi, haereditandi, possidendi vel fruendi quibusvis terris in dicta provincia, sive in sua sive in cujusvis alterius personae vel personarum jure ad suum usum, interesse vel beneficium, vel in fideicommisso pro illis, absque ulteriori particulari et speciali licentia prius habita et obtenta ad illum finem, sub manu et sigillo suae Dominationis. Et si quod forte ejusmodi indultum contingat transigi vel obtineri per quamvis Corporationem, Societatem, Fraternitatem, Municipium, corpus politicum (sive illud ecclesiasticum sit, sive temporale) sive quamvis personam vel personas ad suum usum, interesse, vel beneficium, vel in fideicommisso pro illis, absque tali ulteriori particulari et speciali licentia ut supra prius habita et obtenta, quod tunc omne tale indultum cujusvis terrae intra dictam provinciam ita factum vel faciendum, ut supra, ipso facto erit vacuum ab omni intento et proposito.

6. Item quod nulla persona seu personae quaecunque, cujuscunque conditionis vel status fuerint, nec illarum haeredes vel assignati dabunt, concedent, alienabunt quasvis terras vel tenementa intra dictam provinciam assignata vel concessa vel assignanda vel concedenda illi vel illis, vel cuivis Corporationi, Societati, Congregationi, Fraternitati, Municipio, vel corpori politico, sive illud ecclesiasticum sit, sive temporale, vel cuivis personae vel personis quibuscunque in fideicommisso, vel ad talem usum vel usus, vel ad quemvis usum vel usus contentos, mentionatos vel prohibitos in quodam [a] statuto Mortmayn antehac facto in regno Angliae, absque particulari et speciali licentia prius habita et obtenta ad illum finem sub manu et sigillo suae Dominationis.

Schedula armorum et ammunitionum quae intenduntur et requiruntur per praedictas conditiones . . .

. . . Datum Londini 10 novembris 1641.

Endorsed, f. 197^{v}: Postulata Baronis de Baltimor circa terras, fundos, jura in Marilandia.

Stonyhurst College MSS., Anglia A, iv. No. 108A, f. 195, *with an endorsement belonging to the whole series*, 108, *of American papers.—Maryland-New York Province S.J. Archives, portfolio* 3.—*Both are contemporary Latin copies of the six numbers or paragraphs in the Conditions.—Published entire in English: Maryland Historical Society Fund Publication*, No. 18, pp. 65–67.—*Cf.* Proceedings of the Council of Maryland, 1636–1667, pp. 99, 100, *where these*

(a) *Md.-N. Y. Province S.J. Archives:* quovis.

last two numbers are omitted. The obscurity in the construction of the sixth paragraph of the Latin does not appear in the English Conditions of Plantation, dated 1648 and 1649. Proceedings of the Council, pp. 227, § 12; 236, § 10.

No. 12, B. **1641, November 10.**

An Oath attached to the foregoing Conditions. *All colonists hereby resign all right of possessing land acquired from the Indian proprietors, except through Baltimore; a formula not improbably connected with that said to have been elaborated by the same Proprietary in London, 1635, 1636.—See* supra, No. 10, D–10 T.—*See* History, I. § 62, pp. 501–505.

Juramentum directum per instructiones administrandum omnibus et singulis, qui habituri sunt terras sibi concessas, et ab illis accipiendum ante indultorum suorum transactionem.

Ego A. B. agnosco Ill^mum^ dominum Caecilium Baronem Baltamore esse verum et absolutum dominum et proprietarium provinciae et regionis Marylandiae et insularum eo appertinentium, juxta suae Dominationis chartam et patentes sub magno sigillo Angliae, et juro me nec directe nec indirecte per meipsum, vel per aliam quamvis personam, vel personas, procuraturum, acceptaturum, recepturum, obtenturum, possessurum vel fruiturum quibusvis terris intra dictam provinciam ex vi cujusvis indulti a quovis Indo, vel quavis alia persona non legitime derivante titulum ab, per et sub indulto suae Dominationis vel haeredum ejus dominorum et proprietariorum hujus provinciae; et, si novero vel intellexero quemvis alium contrarium facere, sine mora curabo illud notificari suae Dominationi et haeredibus ejus, vel illorum, vel illarum vicetenentibus Generalibus, vel aliis Gubernatoribus dictae provinciae pro tempore existente. Et quantum in me fuerit defendam et tuebor suae Dominationis titulum, jus et regalem jurisdictionem ad et supra dictam provinciam et insulas eo appertinentes, juxta suae Dominationis chartam supra memoratam.

Sic me Deus adjuvet, etc.

Stonyhurst College Archives, as above, ff. 195^v^, 196.—*Maryland-New York Province S.J. Archives, as above.—Published in English: Fund Publication,* No. 18, pp. 68, 69.—*Wanting in the* Proceedings of the Council, *as above,* p. 101.

No. 12, C. **1641, November 10.**

Draft of a Provincial's Certificate on the foregoing. *Their moral and canonical rectitude.—See* History, I. § 62 (2), p. 502.

Ego – – – Provincialis Societatis Jesu in Anglicana missione perlegi conditiones plantationis et juramenti supramemoratas, nec invenio quicquam in iis, vel in quavis earum contineri, quod possit efficere ut Ill^mus^

dominus Caecilius Baro Baltemore (eo quod tales conditiones vel juramentum exhibeat), vel quivis ex ejus officialibus (eo quod publicet, exequatur, vel inscribat illas, vel quamvis illarum ex ejus mandato), vel quaevis alia persona vel personae (eo quod acceptent et admittant dictas conditiones et juramentum, vel quodvis eorum) intra provinciam Marylandiae respective incurrat quamvis censuram excommunicationis Bullae Coenae, vel faciat easdem personas vel earum quamvis cujusvis ob id criminis reum.

In quorum fidem manum meam apposui.

Sources, the same as above.—Published, Fund Publication, No. 18, pp. 83, 84.

No. 13. (1642.)

Lewger's Diary on new Conditions and Oath. *The moral and canonical aspects of these documents, as viewed in Maryland.—See* History, I. § 62 (3), pp. 503, 504.

EXTRACTS OUT OF MR. LEWGER'S DIARY AND LETTERS TO THE LORD BALTEMORE.

The Governor and I went to the good men to consult divers difficulties that wee had.

1. One about the publishing of the Conditions of Plantation by Governor with that Article, wherein all grants already passed were charged with the Statute of Mortmaine. To this the Governor found a solution by interpreting the Article not to comprehend grants already made or due by former Conditions, but that no man should have benefitt by theis new Conditions, unless hee would putt all his land, both that already granted, and that to be granted, &c. under that condition of not alyening it, &c. And this being not found to bee an ordination or edict comanding or obligeing anie one, but a meer proposition left to mans liberty, was resolved by the Goodmen, not to be comprehended in Bullae Coenae, nor to incurr anie excomunication in the publishers, &c.

2. Another, though not excomunication, yet whither it incurred not mortall sinn to bee the active instrument of publishing, negotiating, and effecting of such a proposition or contract, as conteyned obligations against piety and good manners, and was mortall sinn in both parties that proffered and that accepted the contract. And this they resolved, that it seemed so for the present, but they would take time to consider better of it, ere they resolved it peremptorily.

3. The oath upon the instructions to bee tendred to all such as were to take land, &c., was resolved to bee evidently against conscience, and to incurr excomunication Bullae Coenae to publish it, or administer it, or record anie such oath, or anie otherway to bee seconding or assisting to it.

Here the hand changes: There is a new question rising about the 5th Article of the new Conditions of Plantation: That no Society spirituall, &c., shalbe capeable of the Conditions, which sounds like an ordination or provision. And, if it be found so, the Conditions, I beleeve, wilbe stopt from publishing or executing, and no body will dare to concurr to the giving them any life or being, for feare of excomunication Bullae Coenae.

Maryland-New York Province S.J. Archives, portfolio 3; *loose sheet, contemporary copy; the last paragraph after 1–3 being in a different hand, also contemporary.—Stonyhurst College MSS.*, Anglia A, iv. No. 108D, ff. 204, 205; *in Latin; an office copy of the time, in same hand as* Relatio Itineris.—*Translation published in Fund Publication,* No. 18, *as above,* pp. 69, 70.

No. 14. **1641, November 17.**

Father Knott, Provincial, Ghent, to Mgr. Rosetti, Nuncio, Cologne.

Transmits a copy of Baltimore's Points, with his own Observations thereupon.—See History, I. § 50, pp. 417, 418; § 63, pp. 505, 506.

Ill.me ac R.me D.ne.

Cum his accipiet Ill.ma ac R.ma D. V. puncta quaedam, quibus ut subscriberem ursit valde Ill.mus D.nus Baro Baltamor. Sunt illa ejusmodi, quae meo quidem judicio ecclesiasticae immunitati palam adversantur, et Suae Sanctitatis dignitati ac auctoritati non parum derogant, ut ex adjunctis notandis clarius intelliget. Eapropter signare, aut subscribendo probare, hactenus recusavi. Unde res haec eo jam deducta videtur ut ad Sedem Apostolicam deferri necesse sit, atque ab ea definiri. Nam Ill.mus D.nus Baro aperte profitetur se non permissurum proficisci in Marilandiam eos, qui opiniones sequuntur sibi, suisque rebus, ac provinciae administrationi adversas. Hinc ex tribus patribus, qui hoc anno in Marilandiam destinandi erant, unum duntaxat, et valde difficulter, admisit; reliqui in Anglia subsistere coacti sunt.

Acceptas porro esse pro saecularibus sacerdotibus eo mittendis facultates, jam in Anglia palam innotuit, agnovitque eas tum R.dus Adm. D.nus P. Philippi, tum Ill.mus Baro, et quorundam suspicio est, mox aliquos profecturos, nisi litterae fortassis Ill.mae ac R.mae D. V.ae opportune perlatae impediant, quibus inhibuit, ne quid ipsâ insciâ hoc in negotio fieret; certe ut earum rationem habeant, tum aequitas, tum debita Ill.mae ac R.mae D.ni V.ae observantia exigit. Cui haec verbo indicasse satis mihi est.

Caeterum ex Anglia nihil momenti alicujus accepi. Rex adhuc in Scotia detinetur et, ut fert quorundam opinio, fere captivus in Castro Edinburgensi; quod moeroris ac sollicitudinis plurimum creat Ser.ma Reginae. R.dus Adm. D.nus Georgius Musquettus praeses Duaceni Seminarii

nuperrime advenit, jamque Duacum profectus est. Incolumem venisse Coloniam Ill^mam^ ac R^am^ D^em^ V^am^ ex animo gratulor, meque cum debita humilitate ac reverentia ad omne obsequium paratissimum offero. Gandavi, 17 novembris 1641.

Ill^mae^ ac Rev^mae^ D^nis^ V^ae^

Humillimus servus in Christo,
ODOARDUS KNOTTUS.

Endorsed : 5.
Negotio di Marilandia,
Adì 17 Novembre, 1641.
P^re^ Notto [?] provinciale d'Inghilterra de PP. Gesuiti.

Vatican Archives, Nunziatura d'Inghilterra, 4, f. 102.—*P. R. O.*, Transcripts from Rome (*Bliss*), lxxvi., *General Series*, *portfolio* 30.

No. 15. **1641.**

Baltimore's four Points. *Submitted to the English Provincial, and to be issued in the name of the latter.—See* History, I. § 52 (2), p. 431; § 63 (1), pp. 506–513.

I, A. B., doe hereby declare—

1. That, notwithstanding any former pretences whatsoever, I will not that any of our Bodie or Societie within the Province of Maryland shall by themselves, their agents or servants, directly or inderectly trade or traffique with any Indian or Salvage without the speciall licence of the Lord Baltemore, Lord of the Province, or his Lieutenant Generall, or other Governor of the same for the time being hereafter, to be signified in writeing under his or theire hand and seale. And I doe hereby surrender & disclaime any right or title which any of our Bodie or Societie might pretend to trade or traffique with the said Salvages without such speciall licence as aforesaid.

2. That no person whatsoever within the said Province, whether spirituall or lay, may or ought to purchase or accept or make use of any land within the said Province from any Indian or Salvage or any other person whatsoever, directly or indirectly, but such as shall derive a legall right thereunto by some graunte under the great seale of the Province from the Lord Baltimore or his heires, or from some other person lawfully claiming from, by or under the great seale of the Province : and that all other purchase or acceptance of any such land is voide in it selfe. And I doe hereby disavow and disannull all purchase or acceptance whatsoever of any such land made or to be made by any of our community or Societie there, otherwise then as aforesaid.

3. That all Acts of a Generall Assemblie within the Province of Maryland, made or to be made for the better govermente of the said

Province, by and with the advise and approbation of the freemen of the said Province or the major parte of them, their delegates or deputies, and assented unto by the Lord Baltimore or his heires, lords & proprietaries of the said Province, according to the power & direction given by his Majesties letters pattents to the said Lord Baltemore in that behalfe, doe binde all persons whatsoever as well spirituall as lay inhabiting or being within the said Province to bee conformable thereunto, under the paines therein expressed or to be expressed. And that, considering the dependancie which the Goverment of Maryland hath upon the State of England, unto which it must be (as neere as may bee) conformable, no ecclesiasticall person whatsoever, inhabiting or being within the said Province, ought to pretend or expect, nor is the Lord Baltimore or any of his officers (although they bee Roman Catholiques) obliged in conscience to allow unto the said ecclesiasticall persons, inhabiting or being within the said Province, any more or other priviledges, exemptions or immunityes for their persons, lands or goods within the said Province, then what is allowed by his Majestie or any of his officers or magistrates to the like persons in England: and that any magistrate or officer of him the said Lord Baltemore or his heires, lords and proprietaries of the said Province, maye proceed against any such ecclesiasticall person as aforesaid, that is to saye, againste his person, lands & goods within the said Province, for the doeing of right and justice to any other person, or for the mainteyning & preservation of all the rights, prerogatives and jurisdictions granted to the said Lord Baltemore & his heires within and over the said Province & people, inhabiting and being therein, by his Majesties gracious letters pattents under the great seale of England, as well as in the like cases the said officers maye doe against the person, lands or goods of any lay person, inhabiting or being within the said Province, without committing any sinne or incurring the censure of Bulla Coenae for soe doeing.

4. That all causes testamentarie, probate of wills, granting of letters of administration, &c., and granting of licences for marriage (where banes are not asked) and also all other mixt causes, which in other countries bel[*ong*] unto ecclesiasticall courts to heare, determine & punish, as adulterie, fornication, &c., untill some ecclesiasticall court be established within the said Province with the Lord Baltemores consent, may be heard, determined & punished within the Province of Maryland by such officer or officers (although they be Roman Catholiques) as shall be authorized thereunto by the said Lord Baltemore or his heires, lords & proprietaries of the said Province, or by Act of General Assemblie made or to be made within the same, with the assent of the said Lord Baltemore or his heires; and the said officer or officers may doe and execute or cause to be done & executed all things that shall be necessarie or requisite in the said causes or things, for the better government of the said Province, in as ample manner as any judge or judges of the Prerogative

Court in England doe in England; without incurring the censure of Bulla Coenae, or committing any sinne for soe doeing.

Maryland-New York Province S.J. Archives, portfolio 3, *contemporary copy, 3 pp. fol.—The same in Latin: Stonyhurst College MSS.*, Anglia A, iv. No. 108F, f. 210.—*Also in Latin: Vatican Archives*, Nunziatura d'Inghilterra, 4, ff. 76, 77.—*Published in English, as translated from the Latin of the Stonyhurst document: Maryland Historical Society Fund Publication*, No. 18, pp. 87–89.

No. 16. **1641, November 17.**

The Provincial Knott's Notanda or Observations on the foregoing Points. *Addressed to Mgr. Rosetti* (*cf.* No. 14, *supra*). 1º. *Antecedents of the Maryland Mission, and Conditions on which the missionaries had finally agreed to take part in the colonization.* 2º. *The necessity of barter or trade in Maryland, for want of currency.* 3º. *The proprietary rights of infidels over their own property.* 4º. *Their rights still enduring and surviving, even if any beneficiary of theirs were declared incapable of receiving from them the title to their property.* 5º. *The rights of the missionaries: by original contract, the same as those of other colonists; and not to be prejudiced by the absence of the Fathers from colonial assemblies.* 6º. *The facts of the case: That the King of Patuxent gave lands to God and the Society on the express condition that missionaries should instruct his Indians; that the Baron of Baltimore then seized the lands, and gave them out to others, as if he owned the same.* 7º. *The missionaries refuse to endorse Lewger's tenets: specimens thereof.* 8º. *The local parliament made up of almost wholly new men, just emancipated from indented service, non-Catholic in religion, and managed by Lewger.* 9º. *Imposition on the colony and on Catholics of English penal laws against Catholics and the clergy; and immunity claimed even for Catholics from all responsibility in conscience, if they undertake to execute the said laws against the Catholic Church.* 10º. *The assumption that the Fathers should forego their clerical privileges as to criminal law concerning themselves, and as to their vested rights in sacred property. Conclusion, submitting the issue to higher authority; which, if it approves of the Fathers' action in refusing to endorse Baltimore's Points, should also declare that other clergymen may not presume to do the contrary. Professions of submission.* —*See* History, I. § 63 (2), pp. 513, 514.

Quaedam Notanda ad clariorem intelligentiam Punctorum ab Ill^mo D^no Barone Baltamor propositorum.

Ut aperiatur status controversiae inter Ill^mum D^num Baronem Baltamor et patres Anglos Societatis Jesu missionarios in Marilandia, atque ut clarius intelligatur, cujusmodi ea sint, quae ab iis exigit ut sub propriae manus subscriptione ac sigillo cassare, declarare, ac renunciare velint; quibusque aliis se subjicere ac conformare, tanquam legibus legitima auctoritate in conventu generali aut parlamento statutis ac conditis; haec videntur breviter notanda.

Notandum 1º. Cum in Marilandiam colonia primum deducenda esset, rogatos ab Ill^mo D^no Barone Baltamor plurimum atque instanter fuisse patres Societatis, ut simul proficisci vellent, tum ad solatium eorum catholicorum, qui eo se transferre meditabantur, tum ad conversionem infidelium inter quos messis magna sperabatur. Patres etsi ad eam missionem, quam laborum plenam ac aerumnarum probe sciebant, ex se propenderent, nolebant tamen absque consensu R^di Adm. P. Generalis quidquam decernere. Illo tandem cum certis facultatibus impetrato, cessere importunis precibus D^ni Baronis, decreveruntque una proficisci. Discussis itaque aliis quibusdam difficultatibus quae suboriebantur, una dumtaxat restabat, videlicet, unde viderentur suppeditanda media hujusmodi missionariis ad necessariam sustentationem? Nam eleemosynarum nulla spes erat. Cupiebant autem patres rebus temporalibus providendis non occupari, quo possent spiritualibus et sibi propriis liberius intendere, seque iis totos tradere. Multa in utramque partem disputata sunt; nunquam tamen persuaderi sibi permisit D^nus Baro, ut ex suo aut communi aliqua contributione alendos decerneret. Demum post diuturnam deliberationem id consilium stetit, visumque est commodissimum, si patres iisdem conditionibus, pactis et conventis, quibus reliqui coloni, gauderent ac fruerentur, tum aequo cum iis jure negotiarentur, ac in distributione terrarum partem conditionibus pactisque proportionatam acciperent; sic habituros unde in praesentia vitam tolerare possint, et missionarios quoque deinceps augere ad fidei et evangelii inter infideles propagationem. Dura haec conditio visa est patribus nec instituto satis conformis, multisque implicita difficultatibus, quibus nullum fore facilem exitum praevidebant; sed necessaria tamen, ne Dei animarumque causam viderentur deserere.

Notandum 2º. Nullum esse usum pecuniarum in Marilandia, atque adeo illarum vice aliarum rerum permutationem fieri, ut sic de victu ac vestitu quisque sibi sufficienter provideat, mercibusque quas illa regio suppeditat collectis, et in Angliam transmissis, ac pro pecunia divenditis, ea ibidem emantur, ac in Marilandiam itidem transferantur, quae ad dictam rerum permutationem necessaria ac commoda sunt. Unde licet negotiatio clericis universim jure prohibita sit, hoc tamen in casu, aeque exerceri potest a patribus atque laicis; neque enim alia ratione habere possunt unde vivant; et potius commutatio quam negotiatio dici debet, cum lucri gratia non fiat, sed ob meram necessitatem acquirendi alimenta.

Atque ea est praxis in pluribus partibus Indiarum, et Novae Franciae, ut notum est.

NOTANDUM 3º. Infideles, cum terrarum suarum ac bonorum sint absoluti domini, non posse nec debere ob solam infidelitatem hoc suo jure privari, nec a quoquam secundum leges justitiae prohiberi, quo minus permutent, vendant aut donent quibus collibitum fuerit.

NOTANDUM 4º. Si quis princeps subditos suos ita incapaces et inhabiles reddere valeat ut neque emere ab infideli, neque dona accipere vel licite vel valide queant (quod Ill.mus D.nus Baro videtur supponere), videri tamen praeter omnem justitiam ac aequitatem, ut res empta vel donata cedat principi invitis etiam ac renitentibus infidelibus, qui sunt proprii ac absoluti domini, quicquid sit de donatariis.

NOTANDUM 5º. Patres Societatis missionarios, cum juxta pacta et conventa inter D.num Baronem Baltamor et primos colonos aequo cum illis jure in coloniam admissi sint, non debere invitos suo jure privari. Constat autem illos nec interfuisse conventui generali, in quo huic juri suo derogabatur, nec suffragium eorum rogatum, cum nihilominus aequale cum aliis jus haberent.

NOTANDUM 6º. Cum rex Patuxen, tum catechumenus, quasdam suas terras, etc., Deo et Societati donasset, cum expressa conditione alendi missionarios, qui populum ipsi subditum in vera Dei notitia, fide ac cultu instruere tenerentur, D.num Baronem dictas terras ipso facto Societati eripuisse, atque aliis elocasse, quasi earum dominus esset ac proprietarius, ut palam constat.

NOTANDUM 7º. Patres Societatis consulto abstinere a subscribendis iis, quae exigit D.nus Baro, quia putant in quibusdam ecclesiasticae immunitati aperte derogari, cum praesertim sciant a D.no Leugar fuisse concepta, qui minister olim inter protestantes, conversus ad fidem, factus est D.ni Baronis secretarius, et praecipuum ejus fuit instrumentum in conventu generali seu parlamento; et nullis verae theologiae principiis imbutus, nec solida eruditione instructus, eas adhuc tuetur opiniones, et dogmata palam profitetur, quae catholicorum aures merito offendunt, ac supremi pastoris Christi in terris Vicarii tum dignitati tum auctoritati plurimum derogant. Cujusmodi sunt, exempli gratia, haec: nullam illi competere externam jurisdictionem a Deo, sed internam duntaxat in foro conscientiae: nullam illi aut aliis personis ecclesiasticis immunitatem aut exemptionem quoad bona aut personas deberi, nisi quam et quantam placebit principibus laicis et saecularibus illi vel illis dare, et similia. Nec in aliis minus exorbitat, etiam in dogmatibus mere politicis: ut cum docet enorme crimen esse et poena mulctandum quamcunque jurisdictionem exercere, etiam absolvendi a peccatis, absque speciali licentia D.ni Baronis a quo omnis legitima jurisdictio derivari in alios debet. Si quae virgo voveat virginitatem, nec maritum accipiat, post 25.m aetatis suae annum non licere illi amplius retinere terras sibi ex haereditate parentum obvenientes, sed oportere illas vendere, ac si renuat ad id vi cogatur. Conventui generali, seu ut

vulgo dicitur parlamento, tantum auctoritatis tribuit in singulorum bona, ut nullo adhibito temperamento doceat licere illi auferre, a quo libuerit, quicquid in hoc mundo habet aut habebit usque ad indusium, modo fiat in usum reipublicae. Haec exempli gratia sufficiant.

NOTANDUM 8º. Parlamentum (cui tam omnipotens et illimitata potestas tribuitur, ut faciat fere quicquid libet) paucis admodum exceptis ex heterodoxis constare, iisque ut plurimum plebeiis hominibus, qui post praestitum dominis suis servitium per certos annos in colonia fiunt liberti, ac jure civitatis donantur; unde D. secretarius cum paucis aliis sibi fidis et adhaerentibus format illos ac fingit ducitque quo vult, eaque ratione praeoccupat suffragia, ut quod illi lubet id decernatur, et tanquam lex lata cui omnes submittere ac conformare se debent habeatur; qui suffragandi modus nemini bonae conscientiae probari potest.

NOTANDUM 9º. Cum in Anglia plurimae sint leges expresse et sigillatim latae contra catholicos ob odium religionis et derogationem fidei ac jurisdictionis supremi pastoris Christi in terris Vicarii, ut compertissimum est, qua ratione licite poterunt catholici in Marilandia degentes submittere se actis parlamenti decernentis in Marilandia non obligari D^num^ Baronem in conscientia alia catholicis privilegia, immuni tates aut exemptiones concedere quoad personas, terras aliaque bona, quam ipsis conceduntur per leges in Anglia? Imo eos, qui pariformiter processum juridicum contra illos instituent, nec peccatum aliquod propterea contrahere nec censuram ullam incurrere, quamvis sint Romano-catholici.

NOTANDUM 10º. Patres Societatis missionarios, si forte graviter delinquent (quod Deus avertat), puniri debere a suis superioribus, nec potestati saeculari subdi; neque posse huic exemptioni absque gravi peccato renunciare. Cumque bona quorum possessionem adeunt mox induant naturam bonorum ecclesiasticorum, videntur quoque non posse ea dimittere sine injuria ecclesiae.

Quibus omnibus mature expensis, patres Societatis, etsi reipsa paratissimi sint quaevis gravamina patienter sustinere, nitanturque christiana humilitate ac fortitudine vincere in bono malum, ut ipsi Ill^mo^ D^no^ Baroni non semel professi sunt, parum tamen aequum censent usque urgeri ad ea sua subscriptione firmanda, quae non solum iniqua ac sibi injuria sed supremi quoque pastoris dignitati et auctoritati, ac universim ecclesiasticae immunitati plane adversa existimant. Quod si, his omnibus non obstantibus, viri prudentes ac indifferentes, et praesertim supremus omnium atque in causa ecclesiasticae immunitatis proprius judex Summus Pontifex, arbitrabuntur patres Societatis licite et tuta conscientia posse iis subscribere, quae Ill^mus^ D^nus^ Baro ab iis exigit, facient id perlibenter: si vero iniqua judicabunt, quae Ill^mus^ Baro postulat, patresque Societatis recte fecisse quod sua subscriptione ea firmare ac probare recusarint, hoc ipsum declarari humillime rogant, neque ullis etiam aliis id licere; ut ea ratione tam Ill^mo^ Baroni quam aliis quibuscumque manifesto

constet, patres Societatis sola conscientia et veritatis studio ductos propositis ab Ill^mo^ Barone punctis subscribere renuisse.

Caeterum in hac D^ni^ vinea excolenda soli hactenus laborarunt missionarii Societatis, et quae Dei est gratia fructum aliquem tulerunt, majoremque in dies sperant, praesertim inter infideles, ejus nixi auxilio cujus adjutores sunt, quique aliis plantantibus et rigantibus solus dat incrementum. Duo patres inter labores obierunt, duo item coadjutores; supersunt adhuc in Marilandia tres patres, ad quos alii tres hoc anno destinandi erant, sed Ill^mus^ Baro unum duntaxat permisit, eumque aegre admodum proficisci. Aspiret bonus Jesus, et ea consilia Ill^mo^ D^no^ Baroni suggerat, quae divinae gloriae et fidei dilatandae maxime profutura sunt. Quacunque tandem ratione id fiet, voto suo Societatis fruetur.

Vatican Archives, Nunziatura d'Inghilterra, 4, ff. 80–83.—*The Vatican copies of the* Puncta, Quaestiones quaedam, *and* Quaedam Notanda, *as well as the Provincial's letter to Rosetti* (No. 14, *supra*), *seem to be in the hand of Father Alacambe, secretary to the Provincial.*

No. 17. 1641, August 26; November 28.

Case of conscience on the Indian lands. *Submitted to Dr. Francis Silvius at Doway, and answered by him. An abstract in English from the Latin original.*—*See* History, I. § 72, pp. 570–573.

The Case.

Summary of the Maryland Charter, relative to the Case. (*Cf. paragraphs I.–V., XVIII., Bacon's English translation: J. T. Scharf,* History of Maryland, i. 53, 54, 58. *Cf. the original Latin of the Patent Roll,* 8 *Charles I., Part iii., No.* 2594: Archives of Maryland, Proceedings of the Council, 1636–1667, *pp.* 3–5, 10, 11.) *The summary emphasizes the words:* omne solum, omnes agros, sylvas, montes, paludes, etc., "*all the soil, all fields, woods, mountains, marshes, etc.,*" *as granted by the King to the proprietary "Nicholas." The summary also introduces into the conditions of purchase the term* habilitando, "*qualifying*" *subjects to accept of Nicholas, according as Nicholas shall choose to offer.*

Four Queries.—(*Cf.* History, I. § 72, *Appendix B; translation of the Westminster fragment, where the Four Queries may be inferred from the Answer of Silvius.*)

i. Can no one else but Nicholas be absolute and true lord and proprietary, in partibus nondum habitatis aut occupatis per barbaros subditos Regis N. nullus possit, *etc.*, "*in the parts not yet inhabited or occupied by the barbarians, subjects of King N.*" *Here Silvius considers that* subditos *is a clerical slip for* subditus.

ii. In the parts still owned by barbarians, can these latter give, grant, or sell to any one, except to Nicholas and those empowered by him?

iii. If the barbarians give, grant, or sell any part of their lands to a subject of King N., does the said Nicholas thereby acquire a right to that land so alienated; not only the right of high domain, but of direct and immediate possession; so that no right or proprietorship accrues to the donee of the Indians except by virtue of a new grant from Nicholas to the said donee, sive laicus ille sit sive clericus, "*whether he be a layman or a cleric*"?

iv. In case a donation, grant, sale, has been made by the barbarians to a subject of King N., whether he was qualified or not to that effect by Nicholas, is not Nicholas bound, saltem in conscientia, "*at least in conscience,*" *to ratify the said donation, etc.; or can he dispose of the gift, purchase, etc., to another, or to any other uses,* sive subditus ille Regis N. fuerit laicus sive clericus; et sive usus ad quos barbari cesserunt, donarunt, vendiderunt, sint pii, sive sint prophani: "*whether that (donee) subject of King N. were a layman or a cleric; and whether the purposes for which the barbarians made the grant, gift, or sale, were pious or profane*"?

Three Reasons for the Uncertainty.—(*Cf.* History, I. § 72, *Appendix B*, pp. 572, 573, *Westminster fragment, where the substance of these Three Reasons may be inferred from Answer, ad fin.*)

i. The words of the royal grant seem to make Nicholas sole lord and proprietary, for his own sole use and behoof; and consequently nobody else can be true lord and proprietary, if a subject of King N. Et nisi verba concessionis ita accipiantur, saltem quoad partes nondum habitatas aut occupatas a barbaris, parum aut nihil videbitur Rex concessisse; praesertim cum concessio sit remuneratoria, ut aliunde constat,—"*If the words of the grant be not taken in this sense, at least with respect to parts not yet occupied or inhabited by barbarians, the King's grant would seem to come to little or nothing; especially seeing that it was in remuneration for services, as other circumstances* [*not the words of the Charter*] *prove.*" (*Cf. infra*, No. 22, 1°)

ii. As the King N., by the right of discovery or occupation, claims to exclude other princes from the land occupied, so he can, if he wishes, admit or exclude any of his subjects from the right of ownership in the said country, fixing conditions, enabling or disenabling them to possess. In point of fact, that he did so is to be inferred from this, habilitando dictum Nicolaum solum ad tenendum sibi soli, et consequenter inhabilitando alios quoscumque, nisi ex illius concessione, "*qualifying the said Nicholas alone to hold for himself, and therefore disqualifying every one else, except under grant from Nicholas.*"

iii. If this exclusive right is granted with reference to lands not yet inhabited or occupied by the barbarians, an argument may thence be drawn in the same sense with reference to the other parts of the same country, those

possessed by the barbarians; viz. that they can alienate, if they like, but not to the benefit of any grantee or donee other than Nicholas; quia alii subditi praeter dictum Nicolaum vi concessionis regiae exclusi sunt, et quasi facti inhabiles ad possidendum, et consequenter ad acceptandum, nisi dependenter a concessione dicti Nicolai, et quasi ipsius nomine, "*because other subjects besides the said Nicholas are excluded by virtue of the royal grant, and, as it were, disenabled to possess, and consequently to accept, save in dependance on a grant from Nicholas, and, as it were, in his name.*"

iii. (*a*). *Confirmation of this latter argument. The first adventurers would seem to have understood matters so; since they stipulated with Nicholas for a certain proportion of land to be granted by him to them, on the fulfilment of certain conditions, and not otherwise;* sive illa terra deveniret ad ipsos per primam occupationem, "*whether (without determining whether?) that land came to them by right of first taking it up," or by grant or sale (from whom?), whether it was much or little that was so made over to them;* refundebat enim dictus Nicolaus pretium si quod dedissent coloni, et tum eam distribuebat juxta pacta, "*for the said Nicholas made good their outlay, if they had paid anything, and then distributed the land according to the agreement.*" (*We know of no facts to support this statement, except that on first landing thirty square miles of land were bought from the Indians in the name of the colony, and then the distribution took place within those limits. See supra*, 8, A, Relatio Itineris, p. 104.)

iii. (*b*). *Confirmation again of the same argument. The case of Clayborne and others, whom Nicholas ousted from property already occupied and bought by them from the Indians a year before Nicholas received his patent; the latter driving them out by force, and condemning* rebellium praecipuos, "*the chief of the rebels," to death; and yet the Privy Council, on appeal, decided in favour of Nicholas.*[3] *This shows the mind of King N. on the subject of Nicholas' rights, that he alone can make grants of land;* nihilque intra dictos limites a barbaris ipsis transferri posse in quenquam alium, sive laicus ille sit sive clericus, ita ut firmum illi sit, sine nova concessione a dicto Nicolao proveniente, "*so that nothing can be made over within the said limits by the barbarians themselves to anybody else, whether he be a layman or a cleric, unless the said Nicholas issue a new grant.*"

A fortiori, if the purchaser or donee in question be a person who came over under the patronage of Nicholas, whatever he acquires, under any title whatsoever, goes only to the account of Nicholas, as his absolute property in conscience; nam post translationem factam a barbaris tam propria erit terra illa vel regio dicti Nicolai, quam haereditas quaevis per parentes ad

[3] *Cf.* Archives of Maryland, Proceedings of the Assembly, 1638–1664, p. 42, "*An Act for Trade with the Indians," proposed in February-March, 1639; where a narration of this Privy Council decision (April 4, 1638) is, in a preamble, made the ground for withdrawing or withholding from the colonists the right of trading with the Indians; just as here it is made the basis for a denial of their right to accept lands from the Indians. It is observable how the charter for Maryland is not found by Lord Baltimore to lend itself for direct quotation in support of his pretensions.—Cf.* History, I. § 54, p. 454.

ipsum devoluta, cujus partem nequidem ecclesiae dare quivis potest, ipso non dante, "*for, after the conveyance made by the barbarians, that land or country will be as strictly Nicholas' own property as any inheritance descending to him from his parents; no part of which can anybody, except himself, give even to the Church.*"

On the Contrary: Two Arguments against such a Right in Nicholas. —(*This slight presentation is not alluded to in the Westminster fragment.*)

i. It seems absurd, if the barbarians are true owners, that they cannot give what they own to any one they like, not even to a subject of the said King N., to a Catholic, layman or cleric; but, if they do make a conveyance, by that very fact everything goes into the hands of the said Nicholas, the moment the act is executed; and that, no matter what the purposes be for which the owners make the transfer.

i. (a) Confirmation of this argument. If this be so, many donations or grants of the Indians may now be recalled by them and quashed, on the ground that they never did and never would alienate their property, except for purposes determined by themselves; praesertim si pietate moti ad fines pios aliquid dederint, daturive sint, et videant postea ad tales fines non applicari, "*especially if, moved by sentiments of piety, they have given or shall give anything for pious objects, and see afterwards that it is not applied to such objects.*"

ii. Supposing that to be true which Nicholas contends for, at least the said contention will not hold as against God and the Church; and, if under this title the barbarians gave or shall give anything, Nicholas would seem to be bound in conscience to ratify such a grant, or its equivalent, on behalf of the Church. For, let it be that a subject of the King, inasmuch as a subject, is said to be disenabled to accept validly in his own name, still he does not appear to be disenabled to accept in the name of the Church and of God; then he can and ought to accept, lest the pious intention of the donors come to nought.

[*iii. (There is no word in the Case of the actual issue, that of the donors, the Indians, conveying land to the Church, for the service of the donors themselves; not as Church property for the service of the King's subjects, but as sacred property for the benefit of the Indian proprietors.)*]

Answers to the Four Queries (all in favour of Nicholas).

i. Every subject of the King, becoming a member of the colony, submits thereby to the laws of the plantation. And the King can inhabilitate him from accepting anything.

ii. The barbarian proprietors have all rights inherent in them to give as owners; but a member of the plantation cannot receive, because disqualified.

iii. Hence, if land is ceded by the barbarian owners to any such subject

the latter does not acquire any true and absolute right therein, except in virtue of a licence to be had from Nicholas.

iv. If such a conveyance is made to one antecedently qualified by Nicholas for such a transaction, Nicholas is bound in conscience to ratify a donation of the kind. Si autem barbari donent, etc., subdito Regis N. non assignato a praedicto Nicolao, etc., sive subditus fuerit laicus vel clericus, et sive usus ad quos barbari cesserunt, etc., sint pii sive prophani,—"*But, if the barbarians make such a conveyance to a subject not deputed by Nicholas, etc., whether the said subject be layman or cleric, and whether the purposes for which the barbarians made the grant, etc., be sacred or profane,*" *then Nicholas is not bound in conscience to ratify the said donation of the barabrians, nor to apply such part to those uses, for which the barbarians made the grant;* quia cum praedictus recipiens non fuerit habilitatus a praedicto Nicolao ad talem partem recipiendam, ejus receptio in nullo potest praejudicare praedicto Nicolao, "*because, since the recipient was not qualified by Nicholas to receive such a part, its reception cannot prejudice the said Nicholas.*"

(*There is no word here about its lapsing to the donors in such a case, or rather remaining in the hands of the owners, according to the natural law.*)

Answers to the Reasons advanced to the Contrary.

i. It is not said, there is a want of capacity in the barbarians to give, but that there is such in the colonists to receive. And it is no grievance that colonists obey the King and the laws of the plantation.

i. (*a*) *There is no reason to doubt of the prudence and piety of the said Nicholas, but that he will always do what he shall see to be best for the spiritual and temporal good of his colony.*

ii. By the practice of the Christian world, and by ancient laws (Statutes of Mortmain?) of the kingdom N., donations made to God and the Church are often found not to be valid, when they tend to damage the State; and it is not to be supposed that it is the intention of God and the Church to accept anything, if it will prejudice the State.

[*iii.* (*No answer to the actual issue, which is not presented in the Case.*)]

(*Finis.*)

Solution by Silvius.

"*The royal donation or grant, as above propounded, with the Queries thereupon having been maturely considered, and seriously confronted with the reasons advanced on one side and on the other:*

"*The First Query is answered thus:*" *Nicholas is lord and proprietary of all that region and soil, in the parts not yet inhabited nor occupied by the barbarians, so that no subject of King N., except himself, his heirs and assigns, can be lord and proprietor of the said land or any part of it so discovered, and not yet possessed or occupied by barbarians, unless Nicholas*

himself wills it and consents. His rights proved from Lib. II. Institut., tit. i.; from St. Thomas, Summa Theologica, 2da 2dae, qu. 66, *art.* 5, *ad* 2; *from Francis a Victoria, Relect.* 5 *de Indis*, § 2. *His right as exclusive of all other subjects proved from the nature of true ownership; and developed.* (*See* History, I. *Appendix B*, p. 570; *from the Westminster MS.*)

The Second Query answered: The barbarians are true owners of the parts occupied by them; and can give thereof to whomsoever they like. As to any incapacity on the part of King N.'s subjects, there is nothing in King N.'s charter to that effect, disenabling his subjects to accept; nor is the King capable of passing any decree on the subject of the property belonging to the barbarians, nor of how they may dispose thereof; and he enabling Nicholas to possess land hitherto unoccupied and unowned, and enabling others to accept from Nicholas what belongs to the latter, does not thereby disenable them to accept from the barbarians what belongs to the barbarians and neither to the King nor to Nicholas. (*See* History, I. *Appendix B*, pp. 570–572.)

The Third Query answered: Nicholas has no ground of right for interposing in any transaction between the barbarian proprietors and the King's other subjects. (*See* History, I. *Appendix B*, p. 572.)

The Fourth Query answered: Nicholas is bound in conscience to respect and ratify any grant, donation, or sale, made by the barbarian proprietors to any other subject of the King, whether an assign of Nicholas or not; and he cannot expropriate what has been so conveyed. All pretexts for interference are excluded. (*See* History, I. *Appendix B*, p. 572.)

Answers to the Three Reasons for Uncertainty.

i. The terms of Nicholas' charter relate to lands uninhabited, that are acquired by the right of discovery. To other lands the King has nothing to say.

ii. The same answer meets the second doubt.

iii. No argument can be drawn from the right acquired over land by discovery to the absence of all right over land not acquired, but belonging to other proprietors.

iii. (*a*), (*b*). *Nor does it matter what the first adventurers may have thought; nor what the King himself may have been induced to say.* (*See* History, I. *Appendix B*, pp. 572, 573.)

(Here ends the Westminster MS. duly dated and signed, apparently autograph by the author. The published Case continues—)

In fine, as to the plea that the charter was granted to Nicholas in remuneration for services, it does not appear in the statement of the Case that such was the fact, or to what extent the plea is valid. Besides, granted that the charter was in remuneration, it is a great reward indeed to have been made sole proprietary of the whole region heretofore uninhabited, so that no other subject of the King can acquire any portion of land there save as dependently on the grantee.

Ita responsum 26 augusti, 1641, "*So answered, the* 26 *August*, 1641."

(*Here ends the published Case.*)

Westminster Diocesan Archives, xxx. A.D. 1641–1654, No. 28, pp. 87–89; *autograph of Silvius if the signature is so, dated by him* "28 *November*, 1641" (*cf.* History, I. *Appendix B*, p. 573).—*Published in* Resolutiones Variae in alphabetico ordine digestae, *by Franciscus Silvius*, ii. 66–77, *double column quarto, s.v.* Donatio; *dated, as above,* "26 *August*, 1641." *As this volume of his* Resolutiones *is three years later than the rendering of his solution, the difference of dates, notwithstanding the formula used, may be owing to the time of presentation having become confused, in the author's papers, with the time noted for his own solution of the Case.*

No. 18. (1642.)

Memorial submitted to the Holy Office or Inquisition. *In the name of the English Provincial.—See* History, I. § 18, pp. 248, 249; § 50, pp. 418, 419; § 63 (3), pp. 515–518.

E^me^ et R^me^ Domine,

Provincialis Societatis Jesu in Anglia humillime exponit Em^ae^ V^ae^, sub mense junii anni 1632 regem Angliae concessisse Ill^mo^ domino Baroni Baltamor catholico in proprietatem provinciam quandam in ora maritima Americae septentrionalis sitam, atque ab infidelibus inhabitatam, quam hodie a nomine reginae regnantis terram Mariae seu Marilandiam appellant. Egit statim dictus Baro cum P. Richardo Blondo tunc temporis Provinciali, addiditque litteras ad P. Generalem enixe rogans uti habere posset selectos aliquot patres tum ad catholicos confirmandos, tum ad haereticos convertendos, qui ad eam regionem incolendam destinandi erant, tum etiam ad fidem apud infideles et barbaros propagandam. Res haec nec leves nec paucas passa est difficultates; cum enim colonia in Marilandiam deducenda longe maxima ex parte haeretica esset, ipsa etiam regio a meridie Virginiam, ab aquilone Novam Angliam haberet, hoc est duas provincias calvinistis et puritanis Anglis plenas, haud minora imo fortasse majora imminebant pericula patribus in alieno quam in proprio Angliae solo; nec ipse dominus Baro adduci unquam potuit ut vel obolum daret ad patres sustentandos, quamvis hi nec ab haereticis a fide alienis nec a catholicis plerisque egentibus nec a barbaris more ferarum viventibus alimenta expectare possent.

Has aliasque difficultates superavit zelus dicti P. Provincialis, profectique sunt primo duo patres explorandi quasi causa si quid lucri spiritualis sperari posset, cumque regiones viderentur albae ad messem, exhibita fuit ante aliquot annos Em^o^ cardinali Barberino protectori descriptio geographica illius provinciae, cum humillimis precibus ut patres eo profectos dignaretur non minus quam reliquos in Anglia sub patrocinium benignissimi protectoris recipere, ut res haec quam secretissime et sine offensione status Angliae perageretur.

Patres vero posthaec et numero et animo aucti, per egestatem et inopiam, per frequentes morbos cum morte etiam nonnullorum conjunctos, per varia denique discrimina incubuerunt constanter in animarum salutem, didicerunt linguam barbaram ex variis dialectis compositam, dictionarium, grammaticam et catechismum in usum infidelium confecerunt, visumque est Divinae Bonitati ita his conatibus aspirare, ut praeter alios jam imperatorem quemdam, qui multos sub se reges habet, cum uxore, familia et aliquot consiliariis, ad fidem adduxerint, magnumque, nisi impediantur a domesticis fidei, ostium evangelii aperuerint.

Haec vero impedimenta et gravia et a quibus minime debuerunt orta sunt. Cum enim dictus Baro in persona adesse non posset ad regendam Marilandiam, pro se constituit dominum quemdam Leugar secretarium suum, olim praedicantem et ministrum, qui conversus ad fidem multum de fermento haeresis retinuit; ea quippe dogmata adhuc tuetur, quae catholicorum aures merito offendunt, cujusmodi sunt exempli gratia: nullam Summo Pontifici competere externam jurisdictionem a Deo, sed internam duntaxat in foro conscientiae; nullam illi aut aliis clericis immunitatem quoad bona aut personas deberi, nisi quam et quantam placebit principibus laicis et saecularibus illi vel illis dare; enorme crimen esse et poena mulctandum quamcumque jurisdictionem exercere etiam absolvendi a peccatis absque speciali licentia domini Baronis, a quo omnis legitima jurisdictio in alios derivari debet; virginem, si virginitatem voveat nec maritum accipiat, post vigesimum quintum aetatis suae annum non posse amplius retinere terras sibi ex haereditate parentum obvenientes, sed oportere illas vendere, ac si renuat ad id vi cogendam; in conventu generali seu parlamento tantum auctoritatis in singulorum bona inesse, ut illa auferre possit a quo libuerit usque ad indusium, modo fiat in usum reipublicae. Aliaque sunt hujusmodi farinae Viginti Quaestionibus ab eodem domino Leugar propositis comprehensa,[4] quae huic Sacrae Congregationi per manus secretarii exhibita sunt.

Hic ergo secretarius, cum parlamentum in Marilandia ex haereticis, paucis admodum exceptis, conflatum convocasset, cui ipse nomine domini Baltimoris praefuit, conatus est sequentes leges ferre fidei catholicae et immunitati ecclesiasticae repugnantes; nempe, ne qua virgo haereditate potiatur, nisi ante annum 25 nubat; ne quis ecclesiasticus apud alium conveniatur in causa civili aut criminali, nisi apud judicem saecularem; ne quis ecclesiasticus fruatur privilegio, nisi quod ex scriptura possit probari, neque ullum ecclesiae competere nisi ex dono principum; ne quis acceptare possit locum ecclesiae aut sepulturae, nedum fundum aliquem, a rege Indo etiam converso; ne quis egrediatur e provincia sine licentia laici magistratus etiam ad praedicandum infidelibus evangelium ex commissione Sedis Apostolicae; ne quis exerceat intra provinciam jurisdictionem quae non derivetur a Barone Baltimoro; et similia.

Huic foedissimo auso acriter restiterunt patres Societatis, professi se

[4] *Supra*, No. 11.

paratos pro fide et libertate ecclesiastica tuenda sanguinem fundere. Qua constantia vehementer commotus dictus secretarius certiorem statim facit Baronem Baltimorem turbari jurisdictionem suam a patribus Societatis, nec cum eorum doctrina provinciae gubernationem consistere posse. Hinc offensus dictus Baro abalienavit animum a patribus Societatis; et primo ipso facto eripuit illis quasdam terras atque aliis elocavit, quasi earum dominus et proprietarius, quamvis easdem terras rex Patuxen in Marilandia tum catechumenus patribus donasset, cum expressa conditione alendi sacerdotes, qui populum ipsi subditum in vera Dei notitia, fide ac cultu instruere tenerentur. Deinde nactus quosdam dictus Baro sibi et opinionibus suis faventes, coepit animum applicare ad patres Societatis ex Marilandia exturbandos aliosque eorum loco introducendos, qui secretarii sui genio magis arriderent. Curavit igitur anno superiori supplicari Sacrae Congregationi de Propaganda Fide nomine catholicorum in Marilandia, ut praefecto et sacerdotibus ex clero saeculari facultates in eam missionem concederentur, tacitis interim laboribus patrum Societatis in illa messe susceptis, nec expressis causis quae ipsius animum moverunt ad novos sacerdotes substituendos.[5] Atque ut novam aliquam occasionem haberet ad patres Societatis inde avocandos proponenda curavit Provinciali Puncta quaedam, quae similiter huic Sacrae Congregationi per manus secretarii exhibita sunt, ut iis suo et patrum nomine qui in Marilandia sunt subscriberet. Sacra vero Congregatio de Propaganda Fide earum rerum penitus ignara petitioni annuit, et, sub mense augusti anni 1641, expeditae fuerunt facultates a Sacra Congregatione Sancti Officii atque ad D. Rossettum nunc archiepiscopum Tarsensem transmissae.

Quoniam vero nondum fortasse aut praefectus nominatus est, aut facultates traditae sunt, sed adhuc, uti speratur, in manibus P. Philippi confessoris reginae Angliae existant, dictus Provincialis humillime supplicat Em^{ae} V^{ae} uti dignetur ordinare, ut dictae facultates suspendantur et remittantur, si res adhuc integra sit; vel, si forte facultates traditae sint, retardetur tantisper novorum sacerdotum profectio, quoad Sedes Apostolica statuat quid pro bono animarum agendum sit. Non recusant patres quo minus alii operarii submitti possint; sed proponunt humiliter considerandum, an expediat amoveri eos qui primo in hanc vineam cum propriis expensis ingressi sunt, qui egestatem et aerumnas per septennium tolerarunt, qui quatuor ex suis usque ad mortem fideliter laborantes amiserunt, qui sanam doctrinam et immunitatem ecclesiae, cum invidia et damno suo temporali, defenderunt, qui regionis et linguae barbarae periti sunt; cujus penitus ignari existunt sacerdotes a Barone Baltimore submittendi, et eam doctrinam vel permittent vel tuebuntur, ex qua necesse est contentiones et scandala oriri, et scintillam illam fidei extingui quae in pectoribus infidelium coepit accendi.

Profitentur tamen patres se paratos esse cum omni submissione vel

[5] *Infra,* No. 19, A.

regredi in Angliam ex Marilandia, vel inibi permanere, et usque ad mortem pro fide et Sedis Apostolicae dignitate laborare prout visum fuerit prudentiae, benignitati et charitati Em^{ae} V^{ae}. Quam Deus, etc.

Addressed: Emin^{mo} et R^{mo} D^{no} Cardinali Romae.
Pro Provinciali Societatis Jesu in Anglia in negotio Marilandiae.

Endorsed by the General, Mutius Vitelleschi (?): De Marilandia.

Stonyhurst College MSS., Anglia A, iv. 108K, ff. 222, 223. *Office copy of the time in same hand as the* Relatio Itineris (No. 8, A, *supra*).—*Published in Foley's* Records of the English Province S.J., iii. 363-367,—*an incorrect translation in English, which is reproduced in Maryland Historical Society Fund Publication*, No. 18, pp. 79-83.

No. 19. **1641, 1642.**

Rosetti Papers. *A selection* (A—L.) *on American affairs, taken chiefly from* Nunziatura d'Inghilterra, 4, *which is all a Rosetti volume, inscribed:* Fragmenti e Maneggi di Mons. Rosetti in Inghilterra, & altre Scritture del medesimo, 1639 al 1681. *From this was taken* No. 8, K, *above, an extract of Father Pulton's letter, May 3, 1641, which appears twice in the volume; first as communicated* (ff. 64, 65), *and then in an office copy* (ff. 66, 67). *Several of the following papers are in the Propaganda Archives,* Lettere (1642), No. 141, *as noted below; and in the* Acta. *It is to be observed in particular that the Relation,* 19, D, *of which a short extract is appended, comes twice in the volume of the* Nunziatura d'Inghilterra, 4; *once as communicated* (ff. 62, 63), *and again as modified* (ff. 60, 61). *It is the latter redaction which we find copied in the Propaganda Archives. Some of the papers subjoined are from the Vatican Archives,* Nunziatura di Colonia, Nos. 21, 22. *Compare the Public Record Office, London,* Transcripts from Rome, *as quoted below.*

No. 19, A. **1641, July 2.**

A petition reported in the Propaganda, ostensibly coming from Maryland. *Referred to in* No. 18, p. 180, *med.*—*See* History, I. § 61, pp. 493, 494.

Em^{mi} e Rev^{mi} Signori,

Essendosi da molti anni in quà scoperta una terra parte dell'America settentrionale dalli Inglesi chiamata Mariland, cioè Terra di Maria, dal nome di quella regina, e già cominciata ad abitare da molti cattolici inglesi, governati al presente dal baron Baltamor pur inglese

cattolico con patente del re della Gran Britagna, et tuttavia crescendovi il numero de cattolici, si supplica questa Sacra Congregatione dar ordine a Mons^r^ Rossetti, che, informatosi de sacerdoti secolari per dottrina e costumi più idonei alla missione, proponga almeno dodici soggetti con un Prefetto il più dotto et atto al governo, per spedire a questo le patenti per detta missione con le facoltà dell'Indie ; acciò li cattolici, che sono in detto luogo di Mariland e che vi anderanno, habbino gli aiuti spirituali necessarii di sacramenti, prediche, dottrina christiana et altre commodità per servitio delle anime loro ; et perchè il viaggio è lungo, e la navigazione non è sempre pronta, et il bisogno di quell'aiuto è grande.

Si supplica parimente a concedere le sopradette facoltà al S^r^ Dottor Chiampagny [*Champney*] con l'autorità di communicarle alli sacerdoti idonei che anderanno in questa missione, che il tutto ecc. Quos Deus.

Endorsed : Memoriale o suppliche circa le cose che s'appartengono all'isola di Mariland, venuto da Roma per ordine della Sacra Congregatione.

Vatican Archives, Nunziatura d'Inghilterra, 4, f. 56 ; *with the endorsement*, f. 59^v^.

No. 19, B. **1641, July 2.**

Decree passed in the Propaganda. *Relative to the foregoing petition.*—*See* History, I. § 61, p. 495.

Referente D. Card. Spada instantiam catholicorum Anglorum existentium in Marilandia, insula prope Americam septentrionalem, pro aliqua missione sacerdotum saecularium Anglorum, cum facultatibus pro Indiis, Sacra Congregatio jussit scribi R. P. D. Rossetto pro informatione de dicta insula et catholicis in ea degentibus, et de sacerdotibus saecularibus Anglis idoneis ad missionem, et praesertim de aliquo eorum praestantiori ac doctiori, ut ei praefectura missionis committi possit.

Propaganda Archives, Acta, 14, Congregatio 278, *July* 2, 1641, No. 27, f. 373.

No. 19, C. **1641, September 7.**

Rosetti, Ghent, to Cardinal (*Antonio*) Barberini, Prefect of the Propaganda. *He reports that he has executed the foregoing order.* —*See* History, I. § 61, p. 495.

Em^mo^ e Rev^mo^ Sig^re^ P^rone^ Col^mo^.

La presente notitia del particolare comandatomi da V. E. circa l'isola di Mariland vicina all'America settentrionale porterà a V. E. humilissimamente l'effetto della mia ubbidienza, inviandogliela congiunta con una nota de nomi di quelli che sono stimati più idonei a sustenere

quella missione. Ho similmente havuto avviso di Londra essere di là partito il P^re^ Riccardo cappuccino inglese per passarsene in Francia, et ivi per ubbedire ai comandamenti di cotesta sacra Congregatione; et io qui con rassegnatione dell'humilissima servitù e divotione mia fo all'E. V. profundissima riverenza.

Di V. E. R^ma^.

Humiliss^mo^ divotiss^mo^ servo,
CARLO ROSETTI.

Ganse [*Gante*] 7 7bre, 164[*1*].

Propaganda Archives, Lettere, 141 (1642), f. 215 (= 356 *cancelled*); *autograph. Only one "s" appears in the signature here.*

No. 19, D. **(1641, September 7.)**

Relation about Maryland. *The concluding portion, showing the variations of the account, as received by Rosetti and as forwarded.* —*See* History, I. § 61, pp. 495–498.

. . . Equidem, ad praedicandum evangelium amplificandamque ecclesiam per infidelium potissimum conversionem, ostium magnum apertum jam est, quod obstruere conantur ii qui e societate mercatoria Virginiae Ill^mo^ Baroni se opponunt, et coloniam e manibus et potestate catholicorum eripere magno molimine connituntur; sed nullo hactenus alio effectu quam quod per exactionem juramenti, vulgo fidelitatis nuncupati, profectionem catholicorum in eam difficillimam reddidere quasi regi et statui Angliae periculosam. In comitiis vero quid impetraturi sint nondum certo constat. Atque hic est tam hujus coloniae quam missionis praesens status.

Caeterum ex altero etiam capite nonnulla infeliciter mora injecta est, unde minus timebatur. Nam Ill^mus^ D^nus^ Baro quaedam statuere voluit et vim legum obtinere, quae moribus, juri, et dignitati ecclesiae sponsae Christi minime favent. Et propter hujusmodi res fuerunt (?) necessariae (?) quaedam conventiones.

His quia patres societatis consentire noluerunt, eorum renitentiam in suae tum utilitatis tum dignitatis imminutionem, et mali aliis exempli cessuram interpretatus Ill^mus^ Baro, quorumdam ex clero saeculari subscriptiones obtinuit, quibus tutus in conscientia redditus quae statuit rata haberi jussit. Unde fiet, ut inchoatam forte inter barbaros missionem abrumpere, suosque e colonia revocare cogatur tandem Societas, ne assensum praebeat iis, quae salvo jure ecclesiae probare non potest. Atque hic est tam hujus coloniae quam missionis praesens status.

Endorsed: Relatio insulae Mariland cum:
Nomina sacerdotum in illa mittendorum.

Vatican Archives, Nunziatura d'Inghilterra, 4, ff. 62, 63, *the copy received and modified;* Ibid., f. 60, 61, *the clean office copy, taken from the former as modified.—Propaganda Archives*, Lettere, 141 (1642), ff. 217, 218 (= 358, 359, *cancelled*); *copy of the modified redaction. The change consisted in cancelling the last paragraphs* (*here in italics*), *and transposing the last sentence* (*here in* small Roman) *as a natural close to the preceding paragraph. There are besides formal changes made in the style, as noted in* History, I., *loc. cit.—The substance of the Relation is contained in* No. 8, A–K.

No. 19, E. **(1641, September 7.)**

The names of English secular priests. *Submitted as called for by the Propaganda; forwarded by Rosetti; and recommitted to Rosetti, with the decree of the Propaganda, 1642, February 14, as infra,* No. 19, J.—*See* History, I. § 61, p. 498.

Nomina propositorum alias ab Ill^ma^ D. V. [*viz. a Rosetti*] pro missione Marilandiae.

1°. D. Brittonius (Brittonus) sac. theologiae doctor.
2°. D. Fittonus.
3°. D. Nelsonus (Elsonus).
4°. D. Wenturth (Wentuuorth).
5°. D. Laybornus.
6°. D. Harrisonus.
7°. D. Thomas Blancus (Blaclous).
8°. D. Georgius Pagius (Gagius).
9°. D. Redmannus.
10°. D. Trolloppus,
11°. D. Striclandus.
12°. D. Marcus Druraus.
13°. D. Andreas Biddulphus.
14°. D. Holdenus.

Vatican Archives, Nunziatura d'Inghilterra, 4, f. 57^v^, *appended by the secretary, Francis Ingoli, to a copy of* No. 19, A; No. 19, G; No. 19, J.—*Propaganda Archives*, Lettere, 141 (1642), f. 216 (= 357, *cancelled*); *an apograph in the same hand that copied the Relation*, No. 19, D. *The names differ slightly in the two documents, those of Ingoli's copy being here in parentheses.*

No. 19, F. **(1641, September 7.)**

Summary of Rosetti's communications. *Showing how the Propaganda received them in the sense of the petition and of the Relation as modified.—See* History, I. § 61, pp. 497, 498.

Ganse, 7 7bre 1641—S^r^ Card. Barberini.

Monsig. Rossetti. Manda una relatione di Mariland penisola vicina all'America settentrionale, e con essa a parte una nota di soggetti,

che si stimano atti per sostentare quella missione. Avvisa che il P^re^ Riccardo inglese cappuccino sia passato da Londra in Francia.

Dalla relatione si vede la necessità della missione, trovandosi in quella isola molti catholici bisognosi di sacerdoti, et insieme molti heretici, che li missionarij, essendo il governo moderno cattolico, potranno facilmente ridurli.

Nomina Monsig. Rossetti 14 soggetti habili alla missione, et il primo è addottorato in theologia al qual si potrebbe dare la prefettura della missione.

La difficultà al presente è come si possino mandar le speditioni.

Si potrebbero però inviar al P^re^ Theodoro della Pietà, domenicano, missionario della S. Congregatione, inviandole all'Amb^r^ di Spagna in Londra, ove sta il detto P^re^. Overo all'Amb^r^ Veneto, che per mezo del suo secretario potrebbe ricapitarle.

Propaganda Archives, Lettere, 141, *as above*, f. 361^v^ (*cancelled*).

No. 19, G. **1641, November 12.**

Decree of the Propaganda on receipt and report of Rosetti's letter. *Relation and list of names; with the secretary Ingoli's draft of an answer.—See* History, I. § 61, pp. 495, 496.

Referente R. P. D. Lanuccio litteras R. P. D. Rossetti, et relationem ab eo missam de statu insulae Marilandiae prope Virginiam quoad religionem, et nomina 14 sacerdotum, cum quibus vel parte eorum missio fieri poterit in praedictam insulam, pro catholicis ibi nunc existentibus, illucque in posterum se transferendis, et pro haereticorum ibi degentium aut adventantium conversione, Sacra Congregatio jussit agi cum Em^mo^ D. Card. Barberino pro dicta missione facienda.

S'avvisi la ricevuta della relatione di Mariland, che è stata carissima a la Sacra Congregatione, e della nota de sacerdoti che si possono colà mandare, colli quali si potrà far la missione che la medesima Sacra Congregatione desidera in detta isola.

Vatican Archives, as above, f. 57.—*Propaganda Archives*, Acta, 14, Congregatio 282, *November* 12, 1641, No. 47, f. 480^v^; *here the name of the reporter seems to be* Lanuvio. *Draft of the answer*, Ibid., Lettere, 141 (1642), f. 361 (*cancelled*).

No. 19, H. **1642, February 1.**

Cardinal Francis Barberini, Secretary of State, Rome, to Rosetti, Cologne. *Countermanding orders.—See* History, I. § 64, pp. 519, 520.

Molto Ill^re^ e R^mo^ Sig^r^ come fr^ello^.

Fu concessa dalla Santità di N. S^re^ sin sotto li 8 agosto dell'anno passato una missione de sacerdoti secolari nella provincia di Marilandia, e se ne spedirono le facoltà co'nomi e del prefetto di detta missione, e de medesimi missionarij in bianco. S'inviarono a V. S. acciò dal suo savio avvedimento, conosciuta l'habilità delle persone che ad opra tanto santa si nominavano, potesse eleggerle e mandarle colà. Gravissimi rispetti sono sopragiunti, per li quali la Santità di N. S^re^ e questi miei Em^mi^ hanno havuto per bene di significarli, che s'ella non ha posto in essecutione quel tanto, che se gl'impose per detta missione, sopraseda sino a nuovo avviso; e quando havesse ella consegnate le medesime facoltà ad altra persona perchè seguisse l'effetto della missione, si contenti di dargli ordine preciso, che non passi avanti in nessuna maniera, ma stia attendendo nuovi ordini da lei medesima, dalla cui diligenza infine si desidera il ritardo di detta missione, sin tanto che, essaminati in questa Sacra Congregatione alcuni punti, si possa risolvere quel che convenga al maggior servitio di Dio benedetto, e della propagatione della santa fede.

E N. S^re^ la prosperi sempre e conservi.

Roma primo febraro 1642.

Di V. S. come fr^ello^ aff^mo^

F. Card. BARBERINO.

Al molto Illustre e Rev^mo^ Sig^r^ come fratello
Monsignor Arcivescovo di Tarsi
Colonia.

Vatican Archives, Nunziatura d'Inghilterra, 4, f. 84.—*Cf. P. R. O.*, Transcripts from Rome (*Bliss*), lxxvi. (*portfolio* 30).

No. 19, J. **1642, February 14.**

Decree of the Propaganda. *Authorizing Rosetti to take further action in the business of the mission to Maryland.*—*See* History, I. § 64, p. 520.

Aliud [*decretum*] sub die 4 [*14*] februarii 1642.

Referente Em^mo^ D. Card. Barberino decretum de missione ad Marilandiam, editum die 12 9bris proxime praeteriti, Sacra Congregatio jussit copiam illius transmitti ad R. P. D. Rosettum pro habenda ejus sententia circa praefectum missionis praedictae constituendum, socios ei adjungendos ac modum expediendae hujusmodi missionis, ut possint litterae patentes missionis cum facultatibus necessariis expediri, praefectum et missionarios ad praedictam Marilandiam destinare [*Acta*: destinari].

Franciscus Ingolus Sec^s^

Vatican Archives, as above (No. 19, E).—*Propaganda Archives*, Acta, 15, Congregatio 285, *February* 14, 1642, No. 35, f. 33.

No. 19, K. **1642, March 9.**

Rosetti, Cologne, to Cardinal (*Francis*) Barberini. *Representing the contradictory orders received.—See* History, I. § 64, pp. 520, 521.

Di Colonia da Mons^r Rossetti, li 9 marzo 1642—Decifrato li 27 detto.

Si degnò V. Em^za commandarmi in una lettera della Sacra Congregatione del S. Offitio, che io soprasedessi nel negotio di Mariland d'eseguire cosa alcuna. Hora ricevo una lettera della Sacra Congregatione de Propaganda fide, nella quale mi viene commandato, che io dia informatione de soggetti habili a tal missione poichè ad essa si voleva dare stabilimento. Del tutto humilmente a V. Em^za do parte, per eseguire poi quello, che si degnerà commandarmi.

Vatican Archives, Nunziatura di Colonia, 21, *under date.—Cf. P. R. O.*, Transcripts from Rome, xxi. (*Bliss*), Rosetti (4), f. 414.

No. 19, L. **1642, August 10.**

Rosetti, Cologne, to Cardinal (*Francis*) Barberini. *He has dissuaded the clergymen in England from taking the law into their own hands, and going to Maryland without further authorization. —See* History, I. § 65, p. 524.

Di Colonia da Mons^r Rossetti, li 10 agosto 1642—Decifrato li 27 detto.

Il P^re Filippo mi scrive, che premono in Inghilterra per le facoltà per Marilandia, e pare che se non vengono tosto, dice egli che se ne vogliono servire delle ordinarie, le quali sono pro dominiis regiis Magnae Brittaniae. Ho risposto a S. P^tà, che havendo esso buona amicitia con quel clero, lo persuada a conformarsi a quello, che è conveniente, ricordandogli che da Roma debbono venire gli ordini, e che guardino a ciò che fanno.

Vatican Archives, Nunziatura di Colonia, 22, *under date.*

No. 20. **1642, July 21.**

George Gage [*London*] to Richard Smith, Bishop of Chalcedon (*Paris*). *Complaint against the delay caused by Mgr. Count Rosetti, in not despatching the faculties expected by the clergymen who are prepared to start for Maryland. He asks whether they may not go with such faculties as they have for England, and so brave Rome*

and Rosetti, and bring the latter to terms.—See History, I. § 65, pp. 521–524.

Most Rd. Father in God,

It is not unknowne to your Lordship how the Clergy hath been sollicited heere about sending a mission into Maryland, whereunto they gave little eare untill they had first maturely consulted the businesse and obteyned your Lordships good likeing thereof. In briefe, facultyes were obteyned from Rome with reference to Count Rosetty for approoving the person of those that the Clergy should recommend for that purpose; and by our cheife frends advise in court I was admonished that Mr. Mus[*kett*] should recommend unto the Count him that was thought fit to be superiour of that mission; all which was punctually performed: and, whereas the Lord of that province now calls uppon us for our men, wee hang in suspence of the Counts answere; whoe for 2 monthes hath delayd and returned noe answere at all to severall letters of M^r^ Beussons, our frends in Court and myne all importuning him for his speedy answere to confirme and approoue of M^r^ Gilmett for that purpose: and, whereas wee went on bona fide makeing noe doubt of his graunting our desires, the matter beeing as by the facultyes appeares wholly in his powre; now that the ships are ready to goe with in 6 weekes from hence, our three men prepared for that journey, and 6 or 7 familyes resolved to accompany M^r^ Gilmett thether in pure zeale to that apostolical man, resolving to sett up theyr rests where hee imployes his spiritual labours: it is come to that poynt that wee must eyther damnify notoriously the temporal estate of that lord by depriving him of soe considerable an addition to his plantation as 6 or 7 familyes would make thereunto (not one wherof will goe with out M^r^ Gilmett) or else goe thether in virtue only of our owne facultyes, because the Count will not conferr the newe uppon any of ours going thether, which wee conceive to proceed out of the Jes[*uits'*] indeavours, whoe use all meanes possible not only to oppose the clergy in this businesse, but even to suppresse and keep under the temporall lord of that province, that they may ther have the more absolute rule and power.

These are therefore humbly to beseech your Lordship to lett us know immediately your opinion, whether wee may not in vertue of our own facultyes goe thether and exercise the same over such subjects of our nation as shall ther voluntarily require our assistance in theyr spiritualls; wherin most of our bretheren heere conceive noe manner of doubt more than in exercising the same facultyes at home: first, because ther are noe Bishops ther; secondly, because our facultyes extend to all his Majestyes dominions, how ever ther are noe more named than England etc., etc.; thirdly, because, if his Majesty should goe with an army and conquer absolutely any nation, there could be no doubt but the preists of that army might in vertue of the facultyes they have already, with out the graunte of any newe, both heare the confessions of all the soules

in that army, how ever they were owt of England, and alsoe reconcile to God as many of that other conquered nation as they could. Nor is the case in question different only that heere his Majesty hath acquired a peaceable possession with out armes and therby extended his dominions. Whether [*wherefore?*] wee see noe difficulty why the clergy beeing called uppon may not (with owt speciall recourse to Rome or licence thence) goe; and exercise theyr functions; setting a syde the temporall motive they have now in this particular circumstance of beeing a meanes notably to advaunce the temporality of that Lord by going, and notably to damnify him temporally if they goe not; after soe long an invitation, and soe profitable a preparation bona fide made by them of his advauncement, presuming ther could bee noe difficulty in having more approoved for the use of those facultyes which were graunted for a mission intended thether by his Holinesse of secular Priests; and now hindered by underhand practices of the Jes[*uits*].

If therfore your Lordship please to approove heer of, it is the clergyes humble sute at the instance of the lord of that province, that you will vouchsafe your licence to such of our bretheren as are ready and willing to goe thether, namely to Mr Gilmett as superiour and 2 more such as hee shall best like of 7 or 8 proposed unto him for his assistants in this service; and your Lordship is humbly desired to doe this with all speed possible, beecause the ships are very shortly going hence, and those that are to goe had need of all the time remayning to take leave of theyr frends heere, and to accommodate them selves for that voyage.

And many of our bretheren are of opinion that, when the Count sees the clergy is gon thether with theyr owne facultyes independent of him, hee will soone send them order to exercise the newe ones and approove of such men for the use therof as we shall have sent thether: beecause it will bee more for his honor to have us ther dependent on him then independent; and it seemes (with men carryed against us by the suggestions of our adversaryes) wee must rather use our own right as farr as wee may, then sett expecting grace and favour from them which wee stand not in need of; in soe much that many are of opinion, it had been better for us never to have asked any newe facultyes at all, but to have gon thether (beeing called to the harvest of our owne nation) in vertue of our owne facultyes. And indeed it seemes here that the soules ther must be limited only to Jes[*uits*] for theyr confessors, wheras over all the woorld people have liberty to choose what confessarius they please. Besides the case is ther very speciall, in regard the Governors find the Jes[*uits*] to oppose them openly even in matters of temporalityes, and soe find it a kind of tyranny to bee obliged to use only them for gouvernement of theyr soules whoe in temporalibus are at variance with them.

Thus your Lordship sees the whole state of the affayre. Please, I beseech you, to oblige the temporal lord of that province (whoe yet dares not write himself in his owne affayre) and your humble servants the

Cleergy heere by your speedy resolution heerin. The rest is the thrice humble duty of my Lord

Your most Rd. Lordships most humble and devoted servant,

F. H.

July 21, 1642.

The inclosed comes I know not whence; but sure it is for your Lordship.

Address: For my most Honored good Lord, etc., etc.

Endorsements: "Gage about Marieland." "George Gage to the Bishop of Chalcedon about Lord Baltimore. July 21st, 1642."

(*London*), *Catholic Chapter of London MSS. in fol.*, 1598–1653, No. 159, *2 pp. Autograph signed* F. H. ("*Francis Hoard*"). *Old endorsement:* Gage about Marieland.

No. 21. **(1642.)**

Baltimore's draft of a Jesuit Assignment. *Surrender in favour of himself, the Proprietary, to be issued by the Jesuit Provincial as in the Superior's own name. The latter is supposed to relinquish spontaneously Church and Jesuit rights and lands, for no consideration received.—See* History, I. § 52 (2), pp. 430, 431; § 66 (1), pp. 529–531.

Omnibus has praesentes lecturis, audituris aut visuris. Ego – – – Societatis Jesu in Anglicana missione Provincialis salutem in Domino sempiternam.

Quandoquidem ad me perlatum est aliquem unum aut plures ex dicta nostra Societate acceptasse, admisisse, coemisse aut aliqua alia via obtinuisse in pios aut alios usus quosdam fundos, tenementa aut haereditates in provincia Marylandiae sita in Americae finibus ab aliquo Indo, vel quibusdam Indis, personave aliqua vel aliquibus personis, cui, vel quibus nulla legitima aut juridica potestas, quae derivari ab iis posset, facta fuerit ex ulla concessione domini et proprietarii dictae provinciae. Quodque unus aliquis, aut plures ex dicta nostra Societate actu possessionem ceperit aut ceperint praedictorum fundorum, tenementorum aut haereditatum, aut alicujus partis eorundem, absque ulla concessione ab Ill^mo^ Barone praenominato facta, sub ejus sigillo magno praedictae provinciae, nominatim vero quorundam fundorum sitorum in loco qui Maltapaniam nuncupatur, aut in alio aliquo loco aut locis intra praefatam provinciam, aliquos etiam ex hujusmodi fundis divisisse in varia dominia quae signorias, sive mannerias vulgo vocant, vocasseque unum ex iis dominium sive manneriam Conceptionis, aliud S. Gregorii, aliud, etc. Notum igitur omnibus sit, me praenominatum Provincialem, ob varias honestas causas et rationes, tam pro parte mea quam successorum meorum

et nostrae praefatae Societatis, per praesentes concedere, transcribere, resignare et remittere praedicto Caecilio Baroni de Baltemore haeredibusque illius omne jus, omnem titulum aut interesse dictae Societatis nostrae, cujuscunque generis sive naturae jus illud, seu titulus, fuerit in vel ad praedicta dominia, fundos, tenementa aut haereditates in praefata provincia, ad quae derivare aut habere non possumus legitimum et juridicum titulum ex vel sub aliqua concessione a praenominato Barone de Baltemore facta sub Ill^mae illius Dominationis sigillo magno praedictae provinciae. Ita ut legitimum deinceps futurum sit praenominato Baroni de Baltemore aut haeredibus ipsius, aut ulli alteri personae, vel personis, huic vel illis, hujus vel illarum nomine, possessionem sumere, possidere et frui omnibus praedictis dominiis, fundis, tenementis, aut haereditatibus, vel eorum parte ulla quiete et pacifice ad usum Ill^mae suae Dominationis suorumve haeredum, non obstante quocunque jure, titulo aut interesse, quod aut ego, aut successores mei, aut praedicta Societas nostra, aut Ecclesia habemus, aut habere praetendere possumus in vel ad praedicta omnia vel ullam eorum partem. Et praeterea ego, tam pro parte mea quam successorum meorum et praedictae Societatis nostrae per praesentes renuncio, resigno et remitto praenominato Ill^mo Baroni et successoribus ejus quemcumque titulum, jus, aut nomen aut repostulationem quamcunque, quam aut Societas nostra, vel ulla illius persona directe vel indirecte habet, vel habere praetendere potest ab ullo Indo vel Indis, aut ulla alia persona, vel personis ad ullum usum aut quoscumque usus, ad ullos fundos, tenementa, aut haereditates in dicta provincia, quae vel concessa sunt, vel concedentur a praenominato Ill^mo Barone, aut successoribus ejus praedictae nostrae Societati, aut ulli ejusdem personae, aut ulli alteri personae aut personis in fideicommissum pro dicta nostra Societate aut ulla ejusdem persona. Excipiendo illud tantum merum et solum jus, titulum et interesse quod dicta Societas nostra potest aut poterit juridice derivare ad ea ex vel sub aliqua concessione aut concessionibus ab Ill^mo Barone aut successoribus ejus, dominis ac proprietariis praedictae provinciae, sub ejus vel eorum sigillo magno ibidem pro tempore existente, vel existentibus.

In cujus rei testimonium his manu mea subscripsi et subsignavi.

Stonyhurst College MSS., Anglia A, iv. No. 108c, ff. 212, 213; *copy in the same office hand as the* Relatio Itineris.—*A somewhat inaccurate translation published in the Maryland Historical Society Fund Publication*, No. 18, pp. 84–86. *See* History, I. § 66, p. 531, note 10.

No. 22. (1647 ?)

A Baltimore draft of a unilateral Concordat. *Presented to the Provincial for signature, and purporting, like the foregoing Surrender, to emanate as a voluntary promise from the latter. It is a general concession of all demands contained in Baltimore's previous drafts*

of instruments: The Conditions of Plantation, the Points, the Assignment or Surrender; with several new assertions in behalf of the Proprietary, and new obligations assumed by Catholic missionaries. (§ 1) *That the Proprietary's charter for Maryland incapacitates colonists from receiving lands except by grant, directly or indirectly, from himself; that his acquisition of Maryland was by a title of remuneration from the King* (*cf. supra*, No. 17, p. 173, *i.*); *and that he has incurred expense on account of the Christian faith.* (§ 2) *That for ecclesiastics the principle underlying the Maryland foundation in the matter of landed property is conformity with the ecclesiastical condition of England, which includes the Statutes of Mortmain as understood at the time, with the addition thereto of an unqualified escheating or devolution of lands to the Proprietary.* (§ 3) *That for the Church and the Society of Jesus in Maryland the political condition must be the same as in England, excepting only penal laws touching life and limb, if it be a Catholic who calls for the application of such laws.* (§ 4) *That all Jesuits are excluded from Maryland, except by virtue of a special licence to be obtained each time.* (§ 5) *That any and every Jesuit may be expelled at any time from the Province without cause assigned or cause existent excepting the Proprietary's will; and may then be deported to any place which proves convenient for the ship selected; and, no culpable cause existing for the deportation, the Proprietary shall indemnify the individual with passage money or goods in kind to the amount of £20 sterling, as those goods may at that time be rated in the market.* (§ 6) *That all and every missionary, already sent or to be sent, shall take a feudal oath of allegiance to the Proprietary, in the form hereunto appended.* (§ 7) *That the Provincial binds all his successors in England, and all missionaries in Maryland, in the matter of this* pactum initum cum supradicto Barone, "*Agreement entered into with the above-named Baron.*" *In the entire instrument there appears no valuable consideration whatever on the other side, except that of the £20 sterling, in money or goods* (*tobacco*), *as compensation for the act of violent expulsion without cause.*—*See* History, I. § 52 (2), pp. 430–433; § 66 (2), p. 534; § 67, p. 544.

Ego – – – Provincialis Societatis Jesu in missione Anglicana, meo meorumque successorum nomine eorumque omnium, qui ex eadem Societate etiamnum missi sunt vel mittentur in posterum in provinciam Marylandiae,

promitto Ill^mo domino Caecilio Baroni de Baltemore et haeredibus ejus dominis et proprietariis dictae provinciae Marylandiae, cum iisque paciscor juxta tenorem formulae sequentis.

1°. Primo quidem, quod, cum Rex Angliae remunerationis et specialis gratiae loco praefatam provinciam Marylandiae regalemque in eam jurisdictionem diplomate concesserit praedicto Baroni ejusque haeredibus, adeo ut ex vi ejusdem diplomatis nemo Regi Angliae subditus vel in coloniam Marylandicam adscriptus capax sit accipiendi, emendi vel possidendi portionem ullam agri Marilandici, nisi ex jure et facultate a dicto Barone vel haeredibus ejus immediate vel mediate derivatis. Cumque idem Baro magnos sumptus fecerit, et etiamnum faciat, molestiarum item plurimum et periculi tam in persona sua quam in bonis subierit subeatque quotidie, praecipue ob propagationem fidei christianae in istis partibus, et coloniae inibi constitutae utilitatem, nullo adhuc quaestu facto aut temporali emolumento percepto, qui tamen suam tutelam si coloniae isti deesse passus fuisset, nunquam ea tamdiu (quantum conjecturis humanis intelligi potest) ulla ratione consistere potuisset. Praeterea cum juris in agros istius provinciae aliunde quam a solo Barone ejusque haeredibus derivatio, non modo ad emolumenta regalemque jurisdictionem ejusdem Baronis et haeredum ejus (tam caro pretio, ut dictum est, empta) in istam provinciam evertenda vergeret (quod sine gravi offensione regiae authoritatis in Anglia fieri non posset, ex qua emolumenta et regalis jurisdictio praefati Baronis, uti olim deducta et orta sunt, ita nunc unice dependent), verum etiam communem universae coloniae utilitatem ob varias lites et dissensiones non parum aut dubie imminueret. Idcirco nemo nostrae dictae Societatis ullo tempore directe vel indirecte, per se vel per alium aliosve quoscumque ad usum quemcunque vel finem accipiet, emet, possidebit agros, domos, aut bona quaecunque haereditaria in dicta provincia, aut in insulis ad eam pertinentibus ex concessione, donatione, emptione, legatione cujuscumque vel quorumcumque Indorum vel alterius aliarumve personarum, vel alio jure quocumque, quam mere et pure (nullo alio admixto titulo) ex aliqua concessione legitime facta vel facienda a praedicto Barone, vel haeredibus ejus, sub illius vel illorum majori signo istius provinciae pro tempore existente. Quod si quis vel si qui nostrorum accipient, ement aut possidebunt ullos agros, domos, aut bona haereditaria in ista provincia contra tenorem verumque sensum praesentium, talis acceptio, emptio, possessio virtute praesentium ad solum usum praefati Baronis et haeredum ejus adjudicabitur et pertinere re ipsa intelligetur; ad alium vero usum finemve quemcumque nulla penitus ratione valebit.

2°. Quandoquidem per leges et statuta Angliae nulli agri, domus, vel bona haereditaria in isto regno dari aut transcribi possint personae cuicumque spirituali vel temporali in usum quemcumque pium vel emolumentum Ecclesiae, sine speciali Regis facultate (ad cujus regiminis formam suam quoque in Marilandia justas ob causas, quantum sine

incommodo fieri potest, praedictus Baro accom[*m*]odare debet), cumque idem Baro pro sustentatione nostrorum ibi degentium in agri Marilandici partitione partem non contemnendam de facto concesserit, eam ob rem nemo nostrae dictae Societatis, per se vel per alium aliosque quoscumque, quos sibi eum ob finem substituerit, accipiet, emet, possidebit agros, domos, aut bona haereditaria quaecumque ad usum proprium aliosve usus pios prohibitos et comprehensos in Statutis, quae vocantur de Mortmain, quae hoc tempore in Anglia vim obtinent, nisi speciali prius in scripto facultate, sub sigillo et chirographo dicti Baronis, vel haeredum ejus ad id obtenta. Quod si quis, vel si qui nostrae praefatae Societatis, non obstante hac promissione et pacto meo, accipient, ement, possidebunt agros, domos, aut bona haereditaria quaecumque per se vel per alios, quos sibi substituerint, ad usum proprium vel dictae Societatis, vel ad alium usum pium contentum in ullo ex praedictis Statutis de Mortmain, sine praedicta speciali licentia, tum omnis hujusmodi acceptio, emptio, possessio, virtute praesentium, ad usum praefati Baronis et haeredum ejus adjudicabitur et pertinere re ipsa intelligetur; ad usum vero alium finemve quemcumque nulla penitus ratione valebit.

3º Cum satis constet ex Anglia Marilandiam eo pacto pendere ut tueri se nequeat, nisi colonorum, vestium aliarumque rerum necessariarum subsidia identidem transmittantur, cumque haud minus compertum sit non sine gravi offensione regis et status Angliae, ut res nunc sunt, fieri posse (quae tamen offensio et praefatum Baronem et universam coloniam in maximum discrimen vocare posset) ut personis ecclesiasticis Romanae Ecclesiae ea privilegia, exemptiones, immunitates in rebus temporalibus concederentur, quae illis et Ecclesiae a principibus catholicae Romanae religionis in suis dominiis concedi solent: ideo nullus e nostra dicta Societate per applicationem cujusvis authoritatis spiritualis vel alio modo exigere vel requirere a praefato Barone, vel haeredibus ejus, vel a quoquam illius vel illorum in Marilandia officialibus privilegia, exemptiones, aut immunitates in rebus temporalibus, praeter ea quae dictae Societati vel Romanae Ecclesiae publice in Anglia concedentur, juxta gubernationem istius regni eo tempore cum pro iisdem in Marilandia supplicabitur; hac nihilominus cautione, ut neque praedictus Baro nec haeredes ejus, nec quisquam ex ipsius vel ipsorum officialibus, ob ullius catholici petitionem, infligi faciat poenam ullam corporalem cuicumque e nostra dicta Societate in ista provincia ullo pacto modove, qui derogare possit privilegiis, exemptionibus, immunitatibus, quae circa poenas personales nostrae Societati in regionibus catholicis concedi solent, nisi forte crimen sit capitale, quo in casu praevia degradatio adhibenda erit.

4º Quod nullus e nostra Societate ullo in posterum tempore mittetur in provinciam Marilandiae, sine speciali facultate praedicti Baronis et haeredum ejus toties quoties mittendus erit aliquis impetrata.

5º Quod si forte praefatus Baro aut haeredes ejus, ullo unquam tempore, unum pluresve nostrae Societatis qui vel etiamnum in

Marilandiam missi sunt, vel eo in posterum mittendi erunt, voluerint inde revocari, idque a Barone vel haeredibus ejus per se vel per alium aliosve quoscumque Provinciali Anglicanae missionis pro tempore existenti, vel superiori nostrae dictae Societatis in ista provincia pro tempore existenti significatum fuerit; tum praefatus Provincialis missionis Anglicanae, vel alius superior dictae Societatis pro tempore existens, intra spatium unius anni a dicta significatione, eos e Societate nostra praedicta, quos praefatus Baro, vel haeredes ejus revocari voluerint, e Marilandia revocabit; ea [*iis?*] tamen conditionibus, ut sumptibus ejusdem Baronis transportentur ii e Societate nostra, quos ipse, vel haeredes ejus revocari voluerint, in locum quemcumque quem praefatus Provincialis, vel superior in Marilandia pro tempore existens rationabiliter elegerit, dummodo locus eligatur ejusmodi quo navim aliquam tunc temporis e Marilandia pergere alias ob causas contigerit. Quod si dictus Provincialis, vel alius superior pro tempore existens, ullo unquam tempore, voluntati ejusdem Baronis vel haeredum ejus, ut supra significatae, respondere neglexerit, vel recusaverit, vel si quispiam ex eadem Societate, quem praedictus Provincialis, vel superior pro tempore existens, ad instantiam praefati Baronis vel haeredum ejus, revocaverit e provincia ista, discedere recusarit; tum in eo casu eidem Baroni vel haeredibus ejus (non obstante supradicta recusatione) licebit eum aut eos taliter recusantes dimittere et transportari curare ex ista provincia; ea nihilominus lege, ut si forte idem Baro vel haeredes ejus, aliam ob causam quam quod male se gesserint, revocari voluerint ex ista provincia unum pluresve a dicta Societate, tum idem Baro vel haeredes ejus tenebuntur singulis sic revocatis et sponte sine coactione abire volentibus 20 libras sterlingas vel in pecunia numerata vel in rebus aliis, quae tantumdem valeant, secundum usitatum eo tempore pretium, elargiri.

6º Quod omnes et singuli qui e nostra Societate vel etiamnum missi sunt, vel mittentur in posterum in praefatam provinciam Marilandiae, tam publice quam privatim, prout occasio feret, quantum in ipsis erit, jura, privilegia et regalem jurisdictionem in eamdem provinciam praedicti Baronis et haeredum ejus tanquam absolutorum dominorum et proprietariorum ejusdem provinciae, contra omnes qui sese opponent, tuebuntur et defendent; atque ob hunc finem singuli ipsorum jurabunt jusjurandum fidelitatis erga praedictum Baronem et haeredes ejus, quod jusjurandum sub hac formula ab iis, quos idem Baro vel haeredes ejus assignaverint, ministrabitur:

Ego A. B. sincere et vere agnosco Ill^{mum} Dominum Caecilium Baronem de Baltemore verum et absolutum dominum et proprietarium provinciae et terrae Marilandiae et insularum ad eam pertinentium; et juro me veram fidem praedicto Baroni et haeredibus ejus dominis et proprietariis praefatae provinciae servaturum, meque voluntariam et veram obedientiam eidem ejusdemque haeredibus tanquam veris et absolutis dominis et proprietariis supradictae provinciae et insularum ad eam pertinentium atque ipsius ipsorumque in eadem provincia regimini in temporalibus

praestiturum. Juro etiam me nullo unquam tempore, re vel verbo, publicę vel privatim, scientem et volentem derogaturum titulis, privilegiis, juribus regalibus, libertatibus, jurisdictioni, praerogativae, proprietati et dominio in dictam provinciam Marilandiae et populum inibi pro tempore existentem, quae conceduntur vel concedi dicuntur praefato Baroni et haeredibus ejus a rege vel corona Angliae in ejusdem Baronis litteris patentibus pro eadem provincia, sub majori signo regni praedicti; quin potius omni me tempore, prout occasio feret, praedicta omnia, quantum in me erit, defensurum. Praeterea juro me absque omni mora manifestaturum praefato Baroni vel haeredibus ejus, vel ipsius, vel ipsorum locumtenentibus et summo gubernatori dictae provinciae Marilandiae pro tempore existenti quamcumque machinationem, conspirationem, combinationem quam vel sciam vel justam ob causam suspicabor fieri aut factum iri contra personam dicti Baronis vel haeredum ejus, vel quae ullo modo tendet ad exhaereditationem et deprivationem ejusdem Baronis vel haeredum ejus in titulis, commodis, privilegiis, juribus regalibus, libertatibus, jurisdictione, praerogativa, proprietate, aut dominio supradictis. Juro etiam me, nec per me ipsum, nec per alium aliosve quoscumque, directe vel indirecte accepturum, empturum, possessurum ullos agros, domos aut bona haereditaria quaecumque in dicta provincia Marilandiae aut in insulis ad eam pertinentibus, ab Indis aliisque quibuscumque, nisi jure in praedicta legitime derivato a concessione aliqua ejusdem Baronis aut haeredum legitime facta et facienda sub ejus signo majori ejusdem provinciae pro tempore existente. Agnosco praeterea hoc jusjurandum legitima mihi authoritate ministratum, atque idcirco agnosco et juro praemissa omnia absque ulla omnino aequivocatione aut restrictione mentali. Sic me Deus adjuvet, etc.

7º Postremo per praesentes declaro, in me suscipio et affirmo me sufficienter et legitima authoritate praeditum esse ad obligandum per hoc instrumentum sub chirographo meo et sigillo annexo non solum me ipsum sed omnes meos successores qui futuri sunt Provinciales vel superiores nostrae Societatis in missione Anglicana, eos item omnes qui e nostra Societate mittentur in posterum in Marilandiam adimplenda [*ad implenda ?*] et praestanda omnia et singula supradicta juxta tenorem et verum sensum hujus instrumenti promissionis et pacti initi cum supradicto Barone.

Stonyhurst College MSS., Anglia A, iv. No. 108H, ff. 214–219; *copy in the same hand as the* Relatio Itineris (No. 8, A).—*Published in abstract, Maryland Historical Society Fund Publication*, No. 18, pp. 90–92.

No. 23. 1669, 1670.

Agretti and Airoldi on Lord Baltimore. *Canon Agretti, secretary to the Internuncio of Flanders, was sent on a mission to England, at the end of 1669, where he visited Lord Baltimore, and heard*

complaints from him about the want of missionaries in Maryland. The following year, Don Airoldi, Internuncio of Flanders, responded to orders from Rome, regarding the appointment of missionaries for Maryland.—Cf. W. M. Brady, Episcopal Succession, iii. 107–119.—*J. G. Shea,* History of the Catholic Church in U.S., i. 80, 81.—*Thaddeus, O.F.M.,* Franciscans in England, 1600–1850, pp. 81, 82.

No. 23, A. **1669, December 14.**

Claudio Agretti, Brussels: report to Rome. *Lord Baltimore complained that, for twenty-four years, the Holy See had refused to send missionaries to Maryland, where at present there were only two priests, among 2000 Catholics and many heretics likely to be converted. Lately the agent of the London Chapter had petitioned for faculties in Rome on behalf of secular priests, but had been told that the mission was reserved to the Jesuits. Baltimore endeavoured to justify himself against the imputation that he was opposed to the Regular Orders.*

A questo discorso sopra le cose d'Inghilterra stimo dover soggiungere due parole circa la terra chiamata dal nome della Regina Madre [?] Marylandia situata nell'America, spettante in proprietà al Barone di Baltimore. Questo cavaliere è assai parziale de'Capitolari et il loro decano alloggia in casa sua. Io fui a vederlo in una sua villa vicino a Londra, e mi trattenni seco quasi tutto un giorno in compagnia del padre Ouuard. Mi parve una buona persona et è già vecchio. Procurò di giustificarsi sopra il concetto avutosi costì altre volte, che egli fusse contrario agli Ordini regolari nel sudetto paese. Si doleva in qualche modo che per questa cagione la Santa Sede avesse ricusato da ventiquattro anni incirca di crear missionarii per Marylandia, dove si trovano al presente due soli sacerdoti. Che poco fa avendo l'agente del Capitolo supplicato costì perchè si concedesse ad alcuni sacerdoti secolari la facoltà de'missionarii per la predetta terra, li era risposto che quella missione si è riservata ai padri Giesuiti, e che ciò non ostante, avendo il signor Barone domandato a loro qualche padre per inviare in Marylandia, essi li rispondevano non haver padri abbastanza nè anche per l'Inghilterra. Soggiunse il signor Barone dispiacerli del pregiudizio che riceveva la religione per mancanza de'missionarii in detta terra, dove si calcolavano da 2000 cattolici e stimava facile convertirne degl'altri, per non trovarsi predicanti eretici in quel paese. Io risposi al signor Barone con quelle parole generali, stante che non ero informato del negotio; ma stimo bene raguagliar humilmente V. E. del suddetto discorso e metterle in consideratione

se li paia commettere a monsignor Internunzio o al padre Ouuard di creare missionarii per Marylandia alcuni sacerdoti secolari o regolari ad arbitrio loro.

Propaganda Archives, Scritture riferite nei Congressi : Anglia, i., 1627–1707, ff. 321, 322.—*Westminster Diocesan Archives*, xxxiii., A.D. 1668–1671, pp. 350, 351.—*Cf. W. M. Brady*, Episcopal Succession, iii. 116.

No. 23, B. **1670, October 11.**

Don Airoldi, Internuncio of Flanders, to Cardinal Barberini, Rome.

He reported that he would consult Agretti, about executing orders received, and see to the deputing of qualified missionaries for service in Maryland.—Cf. W. M. Brady, Ibid., iii. 119, *decree of Propaganda, proposed in a particular Congregation, September 9, 1670.*

E^mo^ e R^mo^ Sig^re^ P^ne^ Col^mo^.

Sentirò il canonico Agretti, per dovermi poi intendere col Barone di Baltimore intorno al deputare sacerdoti pii e di sodisfazione del medesimo, per coltivare nell'isola Marilandia la fede cattolica, secondo l'E. V. si serve impormi nell'humanissima sua delli 20 passato. E a V. E. humilmente m'inchino.

Brusselles, 11 ottobre 1670.

Di V. E.

Hu^mo^ dev^mo^ e obb^mo^ servitore

Francesco Airoldi abate di S. Abondio.

E^mo^ Sig^re^ Cardinale Barberini, Roma.

A tergo : Si riponga.

Propaganda Archives, as above, f. 391.

SECTIONS II.–VII

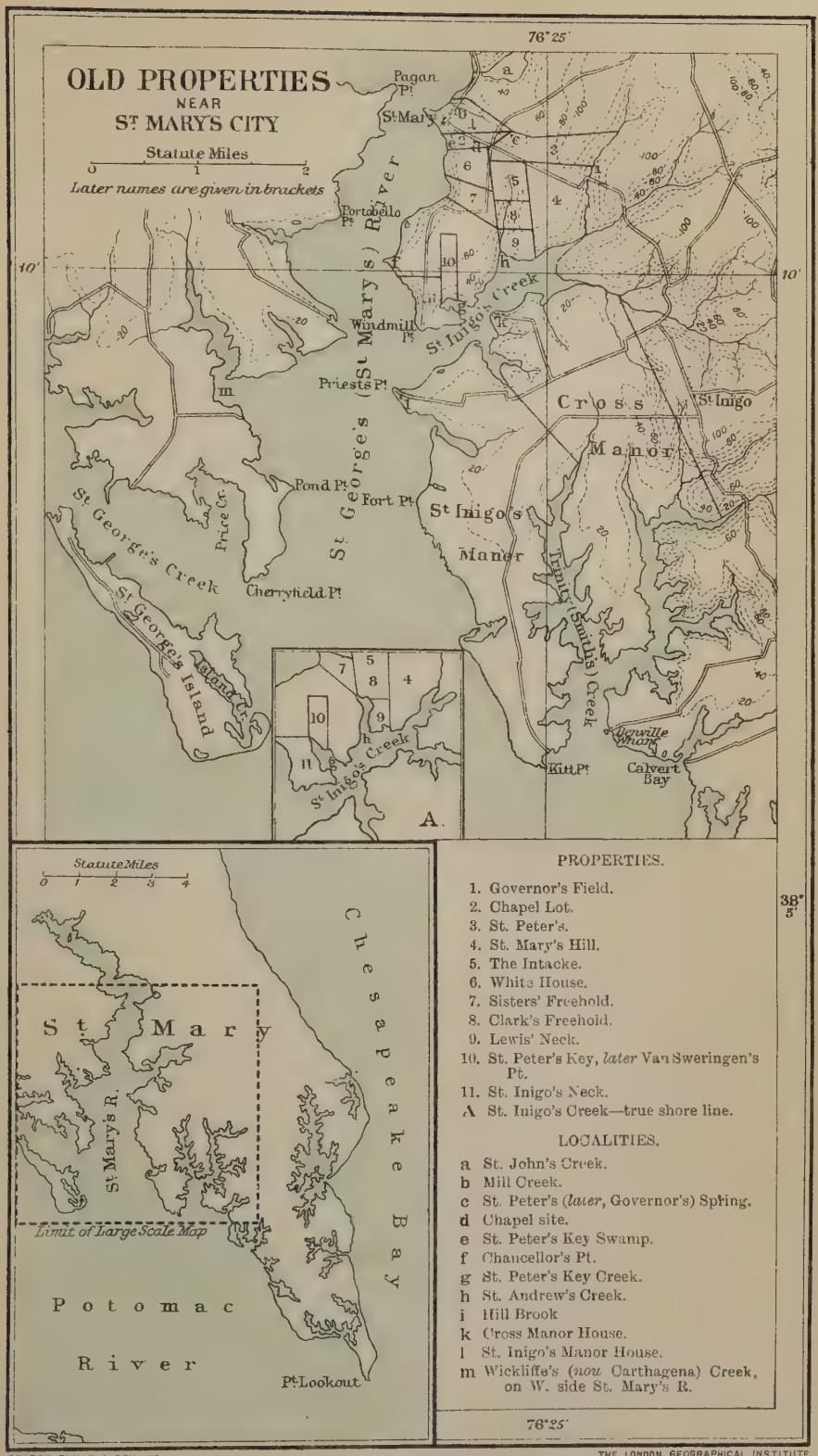
DOCUMENTARY EXCURSUS, NARRATIVE AND CRITICAL

ON

JESUIT PROPERTY AND ITS USES

1633–1838

COMPRISING THE PERIOD OF SUPPRESSION AND RESTORATION



PROPERTIES.

1. Governor's Field.
2. Chapel Lot.
3. St. Peter's.
4. St. Mary's Hill.
5. The Intacke.
6. White House.
7. Sisters' Freehold.
8. Clark's Freehold.
9. Lewis' Neck.
10. St. Peter's Key, *later* Van Sweringen's Pt.
11. St. Inigo's Neck.

A St. Inigo's Creek—true shore line.

LOCALITIES.

a St. John's Creek.
b Mill Creek.
c St. Peter's (*later*, Governor's) Spring.
d Chapel site.
e St. Peter's Key Swamp.
f Chancellor's Pt.
g St. Peter's Key Creek.
h St. Andrew's Creek.
i Hill Brook
k Cross Manor House.
l St. Inigo's Manor House.
m Wickliffe's (*now* Carthagena) Creek, on W. side St. Mary's R.

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SECTION II

ORIGINAL ORGANIZATION, 1633–1773

§ 5. The Original College Foundation in Maryland, 1633–1727.

No. 24. **1633–1693, October 12.**

St. Inigoes Manor, Md.: grants, conveyances. *The terms of original purchase, and the line of descent, till Oct. 12, 1693.*

Mr. Wm. Hunter's title to St. Inago's, Britton's Neck, St. Thomas's Manor, &c., proved and deduced from the first original to this 26 June, 1720.[1]

1º to St. Inago's manor—

R. F. Tho. Copley, called in the records Thomas Copley, Esq., brought a great number of servants into this Province in the year 1633, for which he demands 28,500 acres of land, as appears on record. Of this great quantity of land he [*gave*] the far greater part to others, and reserved for the Society near 8000 acres, partly at Portobacco, viz. 4000, partly at St. Inagoes, viz. 3400. See the Records, Lib. A, B, & H. fol. 27, and Lib. F, fol. 134.[2]

The first tract of land he took up for the Society was 2000 acres, called St. Inago's, 1000 acres called St. George's Island, and 400 acres of town land about St. Mary's, in different parcels.[3] All which tracts were first granted to Ferdinand Pulton for 19 servants assigned to Pulton by Mr. Copley, Lib. F, fols. 61, 62, 63, in year 1637 or thereabouts, who notwithstanding had no patent thereof, as the Record observes in the margin thereof, pag. aforesaid. 'Tis supposed Mr. Copley made Pulton his trustee of St. Inago's, but being an alien, viz. a Spaniard (as both his and his servants' names seem to declare), and not yet naturalized, or for some other reason, Mr. Copley chose Mr. Cuthbert Fenwick in his place.[4] Wherefore the time of Pulton's getting a patent being now long

[1] *Father William Wood, alias Killick, presumably the original compiler of these records, died in August, 1720, aet. 49.*

[2] *See* History, I. Appendix A, § 71, pp. 567, 568. *This record refers only to St. Inigoes. Why the claims for 28,500 acres were never realized in assets to correspond, appears in the pages of that same volume,* History, I.

[3] *That is, 25 acres of the Chapel lot, 120 acres of St. Inigoes Neck, and 255 acres of St. Maries Hill.—See chart and inset map opposite. Cf.* History, I. p. 567, note 1.

[4] *Here the following note is put in the margin, but mutilated, as having been undecipherable. A great volume of copied Records, now at St. Inigoes, gives the note in*

ago elapsed, viz. 4 years, Mr. Copley obtains a warrant for the abovesaid tracts of land, July 27, 1641, and assigns them to Cuthbert Fenwick, as appears by the Record, Lib. F, fol. 134—

"July 27, 1641. Tho. Copley, Esq., demands 400 acres of town land due by Conditions of Plantation, that is, 260 acres for transporting 26 able men into the Province in the year 1633—and 140 acres for transporting 28 other able men since the said year. Nota, vide sup. in demand of Ferdinando Pulton." 'Tis supposed Ferdinando died before he had a patent. But it matters not, because Fenwick had the first grant and patent for it.

"The said Tho. Copley further demanded a manor of 3000 acres of land due by like Conditions of Plantation for transporting ten of the abovesaid 26 men in the year 1633.[5]

"Eod. The said Tho. Copley conveyed and assigned all his right and interest in the demand aforesaid unto Cuthbert Fenwick, Gent., and his heirs." Tho' the Record don't say d e m a n d s, yet the certificate and patent hereafter mentioned sufficiently declare in [*its?*] meaning. Then follows the warrant and order to lay out the said tracts.

"[*Eod.*] These are to will and require you to lay out 400 acres of town land and 4000 acres of other land for a manor, in such places not disposed of as shall be desired by Cuthbert Fenwick, Gent., and to draw a patent for the granting of said land unto the said Cuth. Fenwick by Conditions of Plantation of the year 1633. To Mr. Secretary."

Then follows the certificate and grant for 3400 acres to Cuth. Fenwick, as appears Lib. fol. aforesaid. This certificate and grant contains all the land which now is called St. Inagoes, &c., viz. 2000 acres of St. Inagoes, 1000 in St. George's Island, and 400 of town land. The other 4th thousand is supposed to have been applied by Mr. Fenwick to some other use or place. The words of the Record marked by " are subscribed thus: " Vera copia—out of Lib. F, fol. 134, per Ed. Griffith Reg^{r} of the Land Office."

Thus was St. Inagoes Manor, &c., by Mr. Copley settled in the hands of Mr. Fenwick in the year 1641, July the 27th. About 22 years after St. Inagoes had been trusted in the hands of Mr. Fenwick by Mr. Copley (he being now departed this life or the country), Rd. Fr. Henry Warren, who came into this country in 1661, obtains a conveyance of the aforesaid lands from Mr. Fenwick to himself, Mr. Copley's successor. 'Tis dated

full, and adds the circumstance of its having been in the margin: Perez Ferdinando was shot in a boat, as Mrs. Doyne relates by tradition, from her father Matthews. Taken from the margin. Soon after Ferdinando Pulton dyes (or was shott by accident, as says Mrs. Doyne), and Mr. Copley, in whom the equitable right was, the said Poulton being only his Trustee, petitions for and obtains a 2d. warrant for St. Inigo's and St. George's: and in 1641 assigns the same to Mr. Cuthbert Fenwick. —*Father Attwood, in his Record*, p. 99, *evidently understands Pulton by Perez.*

[5] *The original certificate for 2000 acres, with the lines of the present St. Inigoes tract, Robt. Clarke, Surveyor, is preserved in Md.-N.Y. Province Archives, (c) St. Inigoes. It is a decayed 4to sheet, endorsed by Killick or Attwood:* The Certificat of St. Inegoes. *There is a copy in the St. Inigoes Records*, p. 9.

1663, July 12, sealed and witnessed ; it remains on record, and transcribed by the [*Register*] and subscribed : "Vera copia, out of Lib. EE, fol. 252, 253, per Ed. Griffiths, Regr. of the Land Office." But one great error is committed in this conveyance, for it leaves out all the town land, tho' inserted in all other warrants, certificates, and patents and conveyances, as well before as after this conveyance,(n) excepting 120 acres of town land in Mr. Warren's conveyance, and especially in the patent to Mr. Pennington, [*in that*] of confirmation of the said lands to Mr. Warren in 1667.[6]

I judge there is no other conveyance of this 400 acres in the Records of the Land Office ; and the Court Records are burnt from [*16*]60 to 69. If there be any conveyance in the R. the said time, and be burnt, there is a great evidence of there having been such a conveyance from my Lord's patent of confirmation in 1667, where he says : All St. Inagos Manor, &c., with the town land by several means, conveyances, and assignments was vested and settled in Henry Warren.+ This is a good evidence recorded.

This, moreover, was conveyed from Mr. Warren to Mr. Pennington in 1685, Aug. 24 ; and from Mr. Pennington, survivor to Mr. Hunter, in the year 1693, Oct. 12.

+NB. Mr. Warren in 1663 conveyed 400 acres of the town land (except 40 acres about the Chapel) to Tho. Mathews—with warrants.

Md.-N. Y. Province Archives, Z, *2 pp. fol. A transcript, by Father Stephen Dubuisson, of an original which may have been the* much better draught at Portobacco *alluded to by Father Killick in the next Number. It is endorsed by Dubuisson*: St. Inigoes—St. Thomas—Newtown or Britton's Neck. *The substance is also given on* p. 99 *of Father Attwood's Record, as quoted in* No. 26, *infra.*

No. 25. 1649, August 16, to 1693, October 12.

St. Thomas's Manor, Md. : grants, conveyances. *The terms of original purchase, and the line of descent till Oct. 12, 1693.*

Mr. Wm. Hunter's title to St. Thomas's Mannour proved and deduced from the first originall to this 26th of June, 1620 [*1720*].[7]

The record sufficiently declares the first taken up, viz. F. Copley, and his assignment to Mr. Tho. Mathews in the following words :—

"August the 16, 1649. Tho. Copley, Esqr., this day assigned to Mr. Tho. Mathews 4000 acres of land due to him for transporting ten able men servants into this Province in the year 1633. Tho. Copley.

(a) *Here the next clause of ten words is interlined.*

[6] *Dubuisson here adds :* (In the margin : The 255 acres were conveyed by Mr. Warren to the Penningtons in 1685. This is the land contested by Mr. Sewall.)

[7] *Marginal note :* See this Paper more clearly done at Mr. Hunter, at Portobacco.

"August 17, 1649. Mr. Tho. Mathews demands 4000 acres of land due to him by assignment from Mr. Tho. Copley. Warrant to the surveyor to lay out the sayd 4000 acres on the north side of Potomack River near Portobacco. Ret[*urn*] last [*of*] October next. Vera copia out of Lib. A, B, & H, fol. 27, per Ed. Griffith, Reg[r] of Land Office."

Consequent to this demand and warrant, Rob. Clark, surveyour generall, lays out for Tho. Mathews 3500 on west side and 500 acres on the east side of Portobacco Creek, 25th of Oct., 1649. The copy of the certificate is now in hand, and recorded Lib. A, fol. 293. A patent allso under my Lords great seal was granted to the sayd Mathews under same date; but is not yet found on the Record, though diligently sought for. This appears by Mr. Warrens patent (now vacated) of St. Thomas's Mannour, dated Oct. 12, 1666, Lib. FF, fol. 187. The copy of this vacated Patent is in hand.

This mannour being thus settled in Mr. Mathews our trustee, the sayd Mathews in the year 1662, Oct. 6, conveys all his right, title, interest, &c., to Mr. Warren and his heirs for ever. An abstract of which conveyance is in hand, and taken of the Record by Reg[r], Lib. EE, fol. 252. This conveyance, as well as that [*of*] Mr. Fenwicks, was 2 or 3 years recorded after they were sealed and delivered, because no time was then limited before 1674.

In the year 1666, Oct. 12, Mr. Warren obtains a patent of my Lord for St. Thomas's Mannour, with an addition of 80 acres to the 500 on this side; but, the survey being found to be erroneous, he obtains another in 1670, Feb. 2, now in hand and recorded, Lib. KK, fol. 141. Content: only 500 acres v*.[8]

As to this patent and the land therein granted, some things are to be remarked. 1°. *About the washing away of land in Butchers Quarter, opposite Fort Point.* 2°. *About the jury's decision in favor of Father Warren as against Robert Gutterick, whose land, called Piercefield, sold by him to George Tompson, Dec. 3, 1670, and by Tompson to Col. Rozer, was finally sold by the latter's son, Mr. Notley Rozer, to Mr. Hunter, by a conveyance of Nov. 20, 1711. It was only a remnant of 20 acres.* 3°. *Splittfield, consisting of 30 acres, was by the same conveyance sold to Mr. Hunter by the same Mr. Rozer, who had derived it through his father from the same George Tompson.* 4°. George Gutterick claims right to 76 acres of this land by way of rent assigned in a very blind manner to him by Mr. Gavan, Priest of the Society.[9] But he lives upon courtesy, not only because he and family have used all means in troublesome times to divest us of our right to part of this land,[10] shewn themselves very ungratefull,

[8] *Here written down the margin:* Mr. Warren, 24 Aug., 1685, conveys this 4000, with all our other land, to Francis and John Penington in Jointenancy (i.e. to them and their heirs for ever). Francis survivour conveys all his right to Mr. Wm. Hunter, Oct. 12, 1693.

[9] *In the margin:* Paper dated Feb. 5, 1682/3.

[10] *Attwood, in his Record,* p. 105, *uses stronger language:* That he deserves no

[*and*] the paper erroneously worded, but chiefly because it was never recorded, consequently can't give an estate in tenancy above 7 years.[11] 5°. *On a mistake in wording this patent, the terms* north *and* south *having been transposed*, through an error of the scribe.[12] 6°. There was 4000 acres of land layd out for Ralph Crouch (he was a lay brother) very like the land in the Neck. Being dated one day younger than our certificate, i.e. 1649, Oct. 26, no notice is to be taken of it. The certificate of Ralph Crouch is in hand.[13]

NB.—The law that annulled deeds for above 7 years was made in the year 1699, i.e. after Mr. Gavans lease; so that the acknowledgement and enrollment of that paper of Mr. Gavans was not necessary in 1685, if all other things necessary were added, as it seems not.

Concerning all this matter, see a much better draught at Portobacco.[(b)]

Md.-N. Y. Province Archives, Z. *Original fol. sheet, 2 pp.* (*Father Killick's*).

This land increased under Attwood's management by the acquisition of Hazard, first rented and then owned. After treating of Piercefield and Splittfield, Attwood's Record, p. 102, *proceeds*—

Hazard. Contains 100 acres, and lyes on the east side of our south line; its south line runs very near to Cousins. *Bounds.* It was taken up by Francis Gunby, 1668; by him sold to Col. Benj. Rozer; he was paid for it, but run away without making it over (or acknowledging it); so swears Rob. Gutterick (oath in hand). Fran. Gutterick says Gunby sold it to the Colonels overseer, and he to the Col. Be that as it will, Gunby disinherits his son, and leaves Hazard by will to one Rich.d Wharton, now living on the south side of Poconsoke, near Rehobeth, Eastern Shore.

NB.—The rents due upon this land are almost worth the same. As Messrs. Bennet and Heath have given us theirs, so the late purchasers ought to be desired to do the same, and then the purchase may be easy from the abovesaid Wharton.[(c)]

(b) *End of the paper.*
(c) *This last paragraph in later writing.*

kindness is . . . certain; that family having always endeavoured, in troublesome times, in concert with our Protestant enemys, to disseise us of our right in and to great part of that tract of land. *Cf. infra*, No. 77, pp. 273, 274.

[11] *In the margin:* An errour. Vide NB*.

[12] *To this last phrase the Attwood Record adds the following reflection:* But whether this will avail, lett others judge; for my part I have always feared the worst, and advised with Mr. James Carroll and others, who all agreeing that it could not prejudice our title, and that none could take advantage thereof, I acquiesced. But, if times should favour, I think we ought to gett the error rectifyed; and, if no other method can be found, a new cert[*ificate*] and patent, with old rents and rights.

[13] *The Attwood Record adds the reference:* L. A, B, & H, fol. 37; *with the following reflection:* 'Tis probable this certificate was procured only to save our land in bad times. *After other observations, Attwood puts the following query* (p. 106): Quaere: Whether the law, that annuls deeds for above 7 years unless recorded, were not in 1699, and consequent to Mr. Gavans lease (made in 1685): if so, the same is not void for not being recorded. *The answer to this Query is appended as the next and concluding paragraph in the Killick original, correcting the error noted in Killick's text.*

R^d. Wharton is now dead, and Col. Levin Gail is guardian to the orphan.

This property of Hazard was acquired, as well as Mankins Adventure, of which Attwood's Record, p. 106, *speaks as follows:—*

8° As to Mankins Adventure, it is mostly if not wholy included in Hazzard and Splittfield, and younger than both.

For particulars concerning the purchases, see No. 39, *infra.*

No. 26. **1668, December 2, to 1693.**

Britton's Neck and Outlet, or Newtown, Md.: conveyances. *The original purchase and the line of succession, till 1693.*

The Titles of our Lands, deduced from the first taker up to the present possessor, whether by patent, conveyance, or bequest, with other notes and observations concerning the bounds, rights, and titles, &c., of the above said lands.

In St. Mary's County: Britton's Neck and Outlet, their title derived. From their first taking up till Jan. 20, 1726/7. By P. A., S.J.[14]

Mr. William Bretton was the first taker up of Brettons Neck, in the year 1640; and of Brettons Outlet in the year 1658, Jan. 12. The first tract was surveyed for 750 acres, but now, by the washing away of the land, contains about 674. The 2d. or Outlet, surveyed by a jury, instead of a 100 ac., contains but 43 acres. The patents for both tracts are in hand. The warrant, certificate, and patent for Brittons Neck are recorded, Lib. F, fols. 84, 85, also Lib. A, B, H, fol. 81. The Outlet, fol. 35 of a loose paper, &c.

Mr. William Breton and Temperance his wife conveyed the two aforesaid tracts of land to Mr. Henry Warren in the year 1668, Dec. 2. Mr. Warren conveys the same to Messrs. Francis and Jn. Pennington in the year 1685, Aug. 24; and Mr. Francis Pennington, the survivor, to Mr. Wm. Hunter in the year 1693, together with all the rest of his lands.

Md.–N. Y. Province Archives, L. 1, pp. 100, 105; *in Father Peter Attwood's Record, which is partly described by him in the heading and sub-heads as given above and below.*

No. 27. **1693, October 12, to 1727, January 20.**

The same three estates in Maryland. *Their subsequent line of descent till the date of Attwood's writing.*

[14] *Father Peter Attwood's chief source is mentioned in the following sub-head*, p. 105: Things worthy to be remarked concerning our lands, their bounds, courses, and other difficulties, collected in great part from Mr. Wm. Killick's manuscripts.

A. *St. Inigoes Manor.*

[*p. 99.*] Mr. Hunter bequeaths this and all his land to Mr. Geo. Thorold by will bearing date [*1723* [15]]; and he conveys this and all his lands to Mr. Peter Attwood by a deed bearing date [*1726, May 9*].[16]

B. *St. Thomas's Mannour.*

[*p. 101.*] Mr. Wm. Hunter bequeaths the abovesaid Mannour (with all his other lands) to Mr. George Thorold, in his last will and testament [*1723*], duly executed, proved and recorded. Then, in 1726, Mr. George Thorold conveys the said Mannour (with all other lands) to Mr. Peter Attwood. The above conveyances are in hand, and duely recorded.

C. *Brettons Neck and Brettons Outlet.*

[*p. 100.*] Mr. Hunter bequeathes the same (with all the rest of his lands) to Mr. George Thorold in his last will and testament, bearing date [*1723*] and recorded – – –. Mr. Geo. Thorold conveys the same unto Mr. Peter Attwood in the year 1726, by a deed bearing date May 9th, 1726, duly executed and recorded in the Records of Charles County, August the 13th, and in those of St. Maries, Sept. 28th, because some of the land conveyd lyes in each County.

N.B. of Mr. William Killick:

Mr. R. Vowles has 3 lotts sold him as town-land, but has altered the bounds and figure of the same, that he might come fa[*r*]ther into our pasture. He has no right to the lott so altered, because the last Act for Towns was dissented to, and more especially because he never built on them after that Law.

Quaere in good times. W. K.

Md.-N. Y. Province Archives, L. 1, *Attwood's Record as above*, pp. 99, 101, 100.

No. 28. **1706, July 10, to 1732, April 20.**

St. Xaverius, Bohemia, and other Tracts, on the Eastern Shore, Md.: bequests, conveyances. *The line of descent till April 20, 1732.*

The Title to St. Xaverius, and other Tracts of Land lying on the Eastern Shore, formerly belonging to Mr. Tho. Mansell, and belonging to us, Jan. 20, 1726/7.

St. Xaverius [*Bohemia*]

was granted to Mr. Thomas Mansell as vacant land, by patent bearing date July 10, 1706, for 458 acres.[17]

[15] *From deed of Thorold to Attwood:* No. 47, *infra.*

[16] *Attwood on Britton's Neck, as here*, No. 27, C.

[17] *A letter of the General Thyrsus Gonzalez, 1695, November 10, to Father William Hunter at "Port Tabacco," has a marginal note on a "St. Xavier's residence in Maryland." See supra*, No. 6, E[4]. *This must refer to Newtown. Cf.* No. 97, 2[a] Missio.

Part of the said tract had been formerly surveyed by a warrant granted for Mary Ann O'Daniel, and Margaret her sister,[18] March 18, 1680, by the name of Moriss O'Daniels Rest, containing 300 acres, as by the original survey appears. This said survey was never recorded, nor any grant issued thereon to the said sisters. Of the two sisters, Margaret dyed first, and the whole right to the said land was vested in Mary Ann, who dying bequeathed the same to Messrs. Thos. Mansell and William Douglass; which said William having made over all his right and title thereunto to the said Mr. Thos. Mansell, he (the said Thos.) petitions for and obtains a special warrant to resurvey the said tract, and take up the same as vacant land, together with what surplus or vacant land was thereunto contiguous; which was done accordingly, and patent granted as above. It's recorded in the Land Office, Lib. DD, pag. 533.

The Adjoining Purchase, &c.

Mr. Thomas Mansell purchased of Mr. James Heath a parcell of land, bounding upon the above St. Xaverius, and containing 335 acres; and this parcell being or containing one intire tract, called St. Inigo's, and part of Worsell Mannour, and part of a 3d tract called Woodbridge, they are as follows:—

St. Inigo's

was taken up by Mr. James Heath for 100 acres by the name of St. Ignatius, patent bearing date, Apr. 6, 1711; recorded in the Land Office, Lib. P, K, N. 3, fol. 189. Sold by Mr. James Heath to Mr. Thos. Mansell (together with the two following tracts) by a deed bearing date, Feb. 28, 1721; recorded L. F, D, N. 3, fol. 279, 280.[(d)]

Part of Worsell Mannour.

This mannour was taken up by Col. Sayer, by him bequeathed (or conveyed) to Mr. Ch. Blake; by him to Mr. James Heath, exchanged (I think) for other land. Part of this tract, adjoining to St. Inigo's, that is to say 165 acres, was sold by Mr. Heath to Mr. Mansell as above.

Part of Woodbridge.

This tract was originally taken up by David Mackenny, by him sold to Darby Nowland, and by his son Dennis sold to Mr. James Heath (that is to say, his part thereof containing 75 acres and adjoining St. Inigo's), and by Mr. Heath to Mr. Mansell as above.

(d) *In other copies this reference seems to be* I. D. *or* T. D. *and the ff. are cited thus:* Fols. 279, 280, 281, 282, parchment cover for deeds, Cecil County." *One of these copies may be of Attwood's time, and endorsed by him:* Our [*titl*]e to our Lands on the Eastern Shore. *The other may be a copy by Fr. John Lewis, bringing down the succession to* 1774. *Both are detached folio sheets, among the documents,* (d) *Bohemia, Md.-N. Y. Province Archives.*

[18] *Cf. infra*, No. 38: *Lord Baltimore's Grant to Mansell, 1706, July 10.—Compare J. Baldwin*, Maryland Calendar of Wills, p. 93; *Morris O'Daniell's will, 1680, March 26.*

NB.—St. Xaverius lyes upon the head of Little Bohemia, in Cecil County: part of it, in one corner, was taken away by Astmore, an elder survey and a tract of land belonging to Mr. Vachel Denton; the Yarne, and both more of ours and more of Astmore, was taken away by Worsel Mannour, eldest of the three: all which and more was included in Mr. Mansells purchase of Mr. Heath.

The Moyty of Darnalls Farme.

This tract lyes in Kent County near Chester River, and was taken up by Jn. Darnall Esq. for 600 acres in the whole; but part thereof was taken away by elder surveys. The moyty (of what remained), being near 300 acres, was bequeathed by said Jn. Darnall to Mr. Henry Darnall his nephew, and by him conveyd to Mr. Thos. Mansell by a deed bearing date, Oct. 10, 1722; recorded in Kent County Records, Lib. I, G,[e] N.W. for Conveyances, fol. 286.

Simms Prime Choice.

It lyes in Kent County on Fendall now Farloe [?] Creek; it was taken up by Alexander Simms, and by him bequeathed to his son Jn. Simms, and by the said Jn. bequeathed to Mr. Thos. Mansell. Now whereas the said Jno. was a minor when he made the above devise, being aged but 17 years, the said Mr. Thos. Mansell, for fear his title should be called in question, by means of the testators nonage, prayed for and obtained a special warrant to resurvey the same; and, it being found to contain but 75 acres, had patent granted for the same, as escheat, Sep. 10, 1714. Recorded in the Provincial Records, Lib. R, Y, N. 1, fol. 198. Sold.[f]

Part of Heaths Longlands.

40 acres of this tract (which was taken up by Mr. James Heath) were by him conveyed to Mr. Thomas Mansell (the which include a house and plantation) by a deed bearing date, July 7, 1713. Recorded in Kent County Records, Lib. I, G, N° N. for Conveyances, fol. 341.[g]

NB. These 40 acres are either adjoining to or part of Simms Prime Choice.

Quaere. How much land there is secure? for I believe Heaths Long Lands is elder, and takes away all Simms Prime Choice.[19]

All the above tracts on the Eastern Shore, that is to say, St. Xaverius, The additional Purchase of St. Inigo's, of part of Worsell Mannour, and

(e) *This* I. G. *reads* I. S. *in a copy, just cited, which also adds to the entire reference*: In the Records of Kent County, March 26, 1723.
(f) *This last word is added in a later hand.*
(g) *Another copy seems to read* I. S., *and gives the fols. as* 341, 342, Sepr. 15, 1713.

[19] *One of the other copies states absolutely:* Now, whereas the said land [*Simms Prime Choice*] was taken away by an elder survey of Mr. Heath's Longlands, the said Heath conveyed unto the said Tho. Mansell 40 acres of his said Longlands, *etc. The other* [Lewis's?] *copy leaves out Darnall's Farm and Simms Prime Choice or part of Heath's Longlands.*

of part of Woodbridge, Simms Prime Choice, Part of Heaths Long Lands, and all other whatever to him belonging, were bequeathed by Mr. Thos. Mansell in his last will and testament, bearing date, 20 Feb. 1722/3, to Mr. Thos. Hodgson;[h] and by him bequeathed to Mr. Jn. Bennet by his last will and testament, bearing date, 6 May, 1724; and by him conveyed to Mr. Peter Attwood, by a deed bearing date, 9th April, 1728, acknowledged the same day before the Hon^ble^ Wm. Loch, Provincial Justice, and recorded in the Provincial Land Record in L^o^ P, L, L.[i] N^o^ 6, fol. 256, April 10, 1728.

N.B. Some remarks concerning the land on Bohemia or St. Xaverius follow on page 109.[k]

[*p. 109.*] Some Remarks concerning St. Xaverius, and the other tracts adjoining thereto.

Mr. Jos[*hua*] George, having purchased Middle Neck Mannour of Col. Herman, got the same surveyed by an order from the Provincial Court in a dispute between him and Vachel Denton; and, as by the Plott appears, took in all St. Xaverius and part of several other tracts, and, beginning with the poorest, ejects Mr. Reynolds out of that part of Sarahs Joynture he lived upon: now, tho' these his extended bounds were not to be sustained, and the Delaware Path, and not the Delaware Highway was to bound him on Hermans branch, yet since a straight line drawn from either place to the head of St. Austins Creek, as his patent allows, would take away some of our land, to prevent a vexatious lawsuit and the expences, after long debates I agreed to give him 35£ curr^t^ for a deed of release to all the right or claim he might have to any or all the land I hold between the two branches of St. Augustins Creek, and accordingly had the deed executed and acknowledged before Col. Fendal, one of the Provincial Justices, on the 24th of July, 1731, and sent it over to be recorded in Cecil County where the land lyes.

P. Attwood.

Asmore.[20]

Granted, the 18th day of September 1688, to Jno. Browning and Henry Denton, afterwards by survivorship from him to his sole heir at law Vachel Denton, who by a deed duly executed conveyed his right and title to the Rd. Peter Attwood of St. Marys County, the 20th of April, 1732. The sayd tract is supposed to contain 550 acres more or less.[l]

Md.-N. Y. Province Archives, L. 1, pp. 103, 104, 109. *Attwood's Record.*

(h) *The later copy adds:* Proved [?] on the 30 day of Ap. 1724, before Mr. Knight, Dep. Commissary for Cecil County.
(i) *The later copy has* Lib. L, L.
(k) *End of* p. 104.
(l) *This last* ¶ *on Asmore is an appendix written in a smaller hand. End of the Attwood Land Record.*

[20] *Elsewhere* Ashmore, Askmore, Astmore.

At the commencement of Father Attwood's Record, p. 99, *he makes general observations on this landed fund of the four estates, as in the following* No. 29.

No. 29. **January 20, 1726/7.**

Attwood's Observations. *General directions of Father Peter Attwood on the manner of preserving the four Maryland estates just described.*

The Title of our Lands deduced from the first Taker-up to the present Possessor, whether by sale or bequest to him descending.

There are at present, Jan. 20, 1726/7, four Residences belonging to some one or more of the Society, in the Province of Maryland. Each tract was purchased for a valuable consideration, either of my Lord, or of some other holding under him, and descends by conveyance or will; for all other right of succession or inheritance in common we are deprived of by the Statute of Mortmain. Hence it is very adviseable that each possessor have always a will by him, whereby he bequeathes all his estate, both real and personal, to N. N. and his heirs for ever; and, in case of his [*viz. N. N.*] dying first, to [*another*] N. N. and his heirs for ever; and so name two or three of ours, least possibly our land become escheat, either for want of such will, or by the devisee's dying before the devisor. But care must be had, least the unskilfull wording of the will should make it amount to an entail;[21] for then it would be equally dangerous to leave our lands to many, one after another, as to leave them to one alone. This premised, I come now to the lands, and shall treat of them as they lye and belong to each Residence.

Md.-N. Y. Province Archives, L. 1, p. 99.

[21] *This actually happened under George Thorold's second will; cf. infra*, No. 64.

§ 6. Particular Grants, Deeds, Bequests in Maryland, 1633–1727.

The foregoing general account, covering 95 years, is corroborated in the Maryland–New York Province S.J. Archives by various records of grants, conveyances, official plats with their statements; besides wills and deeds not executed, and the patrimonies of individual Jesuits assigned by them to the Society. The State Records supply other papers. We take particular notice here of such as serve historical purposes. Some solve old problems and others start new ones.

No. 30. 1633–1638.

The claims for land by Conditions of Plantation. *Illustrating Father Attwood's statement*[1] *that Father Thomas Copley* brought 39 servants in, as appears by Record, and demanded 28,500 acres of land.

[*Lib. 1, f. 17.*] Came into the Province the 8th of August, 1637—Mr. Thomas Copley and Mr. John Knolls, who transported:—*Here follow 11 names, whereas Father Pulton's demand for this year gives 20 names.*

[*Ibid., f. 18.*] Came into the Province 22th Nov. 1638—Mr. Pulton, Mr. Morly.[a]

[*Ibid., f. 19.*] Entered by Mr. Copley. Brought into the Province in the year 1633—

Mr. Andrew White, *2 other names*, Mr. John Althem, *2 other names*. F. 20 *adds 24 names, among which is that of* Mr. Rogers.

[*Ibid., f. 37.*] Mr. Ferdinand Pulton demandeth land by Conditions of Plantation under these several titles following; that is to say, for men brought in by several persons whose assigne the said Ferdinand Pulton is, and for men brought in, in his own right:

(a) *Rest of line blank.*

[1] *Record*, p. 101. *See supra*, No. 24, p. 201.

As assigne of Mr. Andrew White:

Brought into the Province Anno 1633—

Mr. Andrew White	Henry Bishop	Matthias Sousa, Molato
Mr. John Altome	Thomas Heath	Richard Luthead
Thomas Statham	Lewis Fremond	William Ashmore
Robert Simpson	Richard Thompson	Robert Sherley

Anno 1634—

Mr. – – – Rogers	Nicholas Hervey	A Smith lost by the way
John Hill	Xpofer Carnoll	
John Briant		

Anno 1635—

John Horwood	James Thornton	Francisco,[2] a Molato

As assigne of Mr. John Sanders, Anno 1633—

Benjamin Hodges	Richard Cole	John Marlburgh
John Elkin	Richard Nevill	

As assigne of Mr. Richard Gerrard, Anno eod.—

Thomas Munns [?]	Robert Edwards	William Edwin
Thomas Grigston	John Ward	

As assigne of Mr. Edward and Frederick Wintour, Anno eod.—

black John Price[3]	Thomas Smith	Henry James
white John Price[3]	Richard Duke	Thomas Charinton
Francis Rabnett		

As assigne of Mr. Thomas Copley, 1637—

Mr. John Knolls	John Smith, alias Bettam [?]	Robert Sedgrave
Thomas Matthews		Thomas Davison [*Dawson?*]
George White	Luke Garnett	
Edward Cottam	Richard Coxe	William Empson
John Mackin	John Tue	Nicholas Russell
Robert Hedger	Walter King	James Compton
Phillip Spurr	Henry Hooper	Edward Tetersell

In his own right, by brought in by himself, Anno 1638.—

Walter Morley	Richard Darey [*Darcy?*]	Charles the Welshman.

[*Old Lib. F, f. 62.*] Ferdinand Pulton Esq. demandeth 260 acres of Town land due by Conditions of Plantation for transporting 26 able men

[2] *There is a* Fr. Perez *on* f. 39, l. 4.
[3] Fol. 38: *alias* John Price, Senior and Junior.

into the Province to plant and inhabit there, in the year 1633, that is to say :

In the year 1633—*Names follow.*

And 140 acres more for 28 other like men transported as afore, between the said year – – – and the year 1638, inclusively, that is to say :—*Names follow.*

The said Ferdinand Pulton further demandeth 10,000 – – acres of land due by Conditions of Plantation, for transporting the foresaid five and twenty men in the year 1633, and 2000 acres more for transporting ten men of the aforesaid 28 in the years following.[4]

Land Records, Land Office, Annapolis, Md., Lib. 1, ff. 17, 18, 19, 20, 37, 38, *or old* Lib. F, ff. 15, 16, 21, 62.

No. 31. **1641–1727.**

The Chapel land, St. Mary's City, Md. *It was granted in the original patent to Cuthbert Fenwick, 1641, July 28, as one of the three parcels of town land, aggregating 400 acres. This one parcel consisted of 25 acres,* lyeing nearest about the new Chappell at St. Maries; *and, like the others, is accurately described in the Fenwick patent;*[5] *as also in the patent of confirmation granted to Father Henry Warren, 1667, April 4; and again in the indenture made between Warren and the Fathers Pennington, 1685, Aug. 24. In the List of Grants, St. Mary's and other Counties, 1640–1660, the same dimensions are assigned to the Chapel Freehold; and the other two parcels are mentioned, 120 acres in a neck at the mouth of St. Inigoes Creek, and 255 acres lying about St. Maries Hill. It is added that this Freehold is now the inheritance of Thomas Matthews, Gent. In 1662, Oct. 5, Henry Warren conveying and quitting all claims to St. Mary's Hill in favour of Thomas Matthews, excepts the* 40 acres about the Chapel. *Father Francis Pennington deeds to Wm. Digges 6 acres thereof next to St. Mary's River. In 1726, May 9, Father George Thorold conveys to Father Attwood* a tract of land called the Chappel Land, on which the Chappel stands at St. Maries, containing about 40 acres; *and there is no mention of*

[4] *End of Pulton's demands.—Cf. J. Kilty*, Landholder's Assistant, pp. 66, 68, *for some notes of entries and claims to quantities of land, regarding the missionaries. For the names of persons brought over by the Jesuits, cf. E. D. Neill*, Founders of Maryland, pp. 91, 92, *where some forty-six are recorded, including those of the five Jesuits themselves. Cf. also K. C. Dorsey*, Life of Father Thomas Copley, Woodstock Letters, xiv. 60.

[5] *Cf.* History, I., *as above*, No. 24, note 2.

the other two parcels of town land. Finally, in his Record dated 1727, Jan. 20, Father Attwood says: The Chappel Land is a reserve of 40 acres, on which the Chappel stands, out of a tract of land called – – – taken up by – – – and descended as St. Inigo's to Mr. Peter Attwood from Mr. Tho. Copley.

Annapolis Records, Lib. 1, 115, 116. *Ibid.*, Lib. 10, 450. *Ibid.*, Lib. BB (*Deeds*), 40. *Ibid.*, Lib. W. R. C. (*Deeds*), 404.—*Md. Historical Society Library, List of Grants in Calvert, St. Mary's, Isle of Kent, and Charles Counties, 1640–1660.—St. Inigoes Archives, Records*, p. 3.—*Md.-N. Y. Province S.J. Archives, documents* (*a*) *St. Thomas's Manor; a double 4to sheet, the original draft of Mr. Geo. Thorold's deed to Mr. Peter Attwood, with the supplementary notes of the latter. Ibid., Attwood's Records*, L. 1, p. 99.—*The original patent of confirmation granted to Henry Warren for the 3400 acres of St. Inigoes, is a closely written 4to parchment, eaten away down the centre by mice, perforated in other parts, and with the writing largely faded from damp. The original endorsement reads:* St. Innag – – – parcells of Towne Land Intrat. in Record. Charles Calvert. *A later endorsement by Killick or Attwood* [?] *reads:* In libro EE. folio 252 is the Conveyance for St. Thomas his Manner; and next follows the Conveyance for that of St. Innegoes. See it [?] at Anapolis. *This parchment is in the Md.-N. Y. Province Archives, documents* (*c*) *St. Inigoes.*

No. 32. **1668, December 2.**

Bretton's Neck and Outlet, otherwise called Newtown, Md.: original conveyance. *The original parchment deed, authenticated and executed, recites that Wm. Bretton and Temperance his wife conveyed the Neck and Outlet to Henry Warren, for 40,000 pounds of tobacco, Dec. 2, 1668.*

Md.-N. Y. Province Archives, documents (*f*) *Newtown.—In* B, No. 37, *may be seen the original grant to Wm. Bretton of that neck of land in the Potomac, opposite Heron Island, bounded S. by Potomack, W. by St. Clement's Bay, E. by the great bay called Brittain's Bay, and N. by a line* drawne crosse the woods, *etc., containing in all 750 acres or thereabouts, more or less; and the consideration is that Wm. Bretton transported himself, wife, one child and three able men servants, in 1637; and is besides the lawful heir of Thomas Nabb, who transported himself and his wife into the Province in the year aforesaid; wherefore Caecilius makes this grant, with the advice of his Lieutenant-General, Leonard Calvert*, and according to the tenour of our letters under our hand and seale, bearing date at Portsmouth . . . England, the eigth day of August, 1636. *The patent is a small parchment, dated July 10, 1640.—Similarly in* D, No. 84, *may be seen another patent of the same kind, granting* 100 acres more or lesse *to Wm. Bretton, for transporting* one mayd servant named Mary Feild in the year 1647, *according to the Conditions of Plantation, 1649. This grant is on Bretton's Bay and is called* Bretton's Outlett. *The parchment is dated, January 12, 1658; is endorsed diversely:* Intratr. in Recordo; *then autograph:* Philip Calvert Secrs.; *again:* This Graunt as according to Certificate on Survey by me made; *then autograph:* Robt. C-ar- [*Clarke?*].

No. 33. **1640–1894.**

The loss of land by erosion, at Newtown and St. Inigoes. *The 850 acres granted to Wm. Bretton by the patents last cited, under*

dates 1640 and 1658, were found in the latter half of the next century to be 717 acres in all. And the 2000 acres of St. Inigoes farm, granted in 1641 as one of the two parcels making up St. Inigoes Manor, were resurveyed about 1894, and found to have been reduced to 1852 acres.

. . . 5. We have at Newtown a plan of resurvey of the estate, probably done by F. [*George*] Hunter, but the year is effaced by time. This survey calculates—

Within the Narrows	560 acres	Bretton's Neck
Above the Narrows	114 d°	
Bretton's Outlet	43 d°	Total 717

6. A resurvey was made of Bretton's Outlet, dated Feb. 4, 1687, by a Sheriff and Jury. This is still at Newtown, but in a mutilated state.

Md.-N. Y. Province Archives, R; *a 4to quire of ten sheets: Newtown, 1831.*

Similarly, in the case of the 2000 acres at St. Inigoes as surveyed towards the middle of the seventeenth century, the County Commissioners, at the end of the nineteenth, allowed an abatement of assessment for 148 acres found to be wanting on resurvey.

Leonardtown, St. Mary's Co., Md., County Commissioner Records; First Assessment Book, p. 118, *Assessment of 1876, with a credit allowed (about 1894).*

No. 34. 1641, August 2 to August 26.

Pascattoway: Copley's assignment to John Lewgar. *Drafted, not delivered.*

2d. August, 1641. Thomas Copley Esq. demandeth 400 acres of land, due to him by Conditions of Plantation, for transporting 4 able men into the Province in the year of our Lord 1633.

Eod: The said Thomas Copley assigned his interest in the said demand unto John Lewgar Secretary.

Laid out for John Lewgar Secretary 400 acres of land, bounding upon the south with Piscattaway Creek, upon the west and north with a swamp beginning at a hill in the said Creek called the Lyon of Jude, and on the east with a line drawn from the head of the said swamp unto or toward a marsh in the said Creek, called the East Marsh. Soe far as to include 400 acres.

The Patent. Cecilius, etc. To be holden of us and our heirs as of our Honour of Paschatoway, etc. Yielding therefore at our usual Receipt eight shillings in money sterling or the commodities of the countrey. Given 26 August, 1641.

Memorandum. That in the margin of the Orriginal Record book, where the foregoing patent is recorded, the following entry is made, vizt. (Never signed nor delivered.)

Annapolis Records, Lib. 1, fol. 118.

No. 35. **1641–1693.**

Confidential trusts to save the property from expropriation. *Copley assigned his rights of land at St. Inigoes to Cuthbert Fenwick in 1641;*[6] *those at St. Thomas's Manor to Thomas Matthews in 1649, Aug. 16. Matthews took out a patent for the 4000 acres of St. Thomas's in the same year, Oct. 25; and, the next day, Oct. 26, Ralph Crouch, a secular gentleman, had a certificate for the laying out of all this property in his own name. There may have been a conveyance from Father Henry Warren to Ralph Crouch (of other property?) in Oct., 1662. Matthews conveyed St. Thomas's to Father Warren in 1662, Oct. 6. Fenwick conveyed St. Inigoes to him in 1663, July 16. Meanwhile, Crouch, now a Jesuit lay brother in London, conveyed on Oct. 9, 1662, to Gregory Turberville, a lay brother in Maryland, the two manors of St. Inigoes and St. Thomas's, and all other premises* in the possession of the said Gregory Turberville. *Turberville seems to have conveyed all this to Warren, at some date between Oct. 9, 1662, and April 4, 1667. In the mean time, Warren obtained a patent on resurvey for St. Thomas's 4000 acres, with an addition of 80 acres recently procured from Daniel Jennifer; but this patent dated Oct. 12, 1666, was vacated, because erroneous, and another was substituted, on Feb. 2, 1670, leaving out the additional 80 acres. And, for St. Inigoes, he obtained a patent of confirmation, dated April 4, 1667. This series of conveyances or assignments amounts to over a dozen in number within 26 years. Later on, in 1685, on Aug. 24, Warren, being now in England, conveyed the two aforesaid manors, with the additional property of Bretton's Neck and Outlet, to the two Fathers Pennington, Francis of St. Inigoes and John of St. Clement's Bay.*

Md.-N. Y. Province Archives, Z, *Dubuisson's Transcript;* Z, *Killick's original;* L. 1, *Attwood's Record, as quoted above in* Nos. 24–29. *Also* (c), *St. Inigoes, an original 4to note of "Quaerenda" (Fr. Killick's ?). Ibid.*, K, *some modern copies of entries about St. Thomas's, apparently from local records at*

[6] *Cf.* History, I. § 60 (2), pp. 483–486.

Portobacco. Ibid., (c) *St. Inigoes, the indenture between Crouch, London, and Turberville, Maryland, Oct. 9, 1662, the witnesses being gentlemen of London: Wm. Kirton, R. Langhorne, P. A. Juveneau* [?], *Thos. Allanson. Ibid.*, K, *certified copy of Warren's patent for St. Thomas's, February 2, 1670.—Annapolis Records*, Lib. 1 (F), ff. 115, 116, *Warren's vacated patent for St. Thomas's, October 12, 1666. Ibid.*, Lib. 10 (FF), pp. 193, 194, *Daniell Jennifer's assignment of two rights of land (September 28, 1666), which had been Capt. Nich. Young's and Thomas Kemp's rights, acquired in 1656, by transportation. Ibid.*, Lib. 10, 450–452, *Warren's patent of confirmation for St. Inigoes, April 4, 1667.—St. Inigoes Archives, Records*, pp. 3–6, *Warren's indenture to the Penningtons, August 24, 1685, which leaves out the 120 acres of town land at St. Inigoes Neck, as is noted in Dubuisson's Transcript on St. Inigoes, supra* No. 24; *and is so rehearsed in Francis Pennington's deed to Wm. Hunter, October 5, 1693, of which the original is in* (c) *St. Inigoes, and a true copy in Md.-N. Y. Province Archives, carton*, A, 1.—*A deed, under date of July 1, 1681, is given for the same land on St. Mary's Hill to Philip Calvert and Jane his wife by Wm. Boarman and Mary his wife, daughter of Thomas Matthews, as may be seen in Maryland Historical Society Library. Compare* Calvert Papers, i. 77.

No. 36. **1635–1685.**

Bequests to the Society during the first half-century. *In one collection of Maryland wills* (*Baldwin's* Maryland Calendar of Wills, 1635–1685) *we count nearly fifty in which legacies are left to the Roman Catholic Church or to the priests thereof. After 1673, the Roman Catholic priests were not exclusively Jesuit; and Father Henry Carew, a Franciscan, is mentioned by name in the will of Thomas Brooke, Calvert Co., 25 Oct., 1675. In another case priests at a distance are benefited, when John Lloyd of St. Mary's County, on the 27 July, 1658, leaves the reversion of his estate, under certain conditions, to Philip Calvert and Thomas Eare, in trust for the English College of Secular Priests at Doway, Flanders; and Wm. Bretton, one of the witnesses, also adds, apparently as scribe:* Per me Wm. B. *There are during the same period somewhat less than ten bequests to the Protestant Church or a minister, not to mention other charitable and free school purposes which are provided for, and some Quaker legacies. In the Catholic sum-total of half a hundred legacies and the Protestant total of half a score, there is on either side about the same number, half a dozen, of real estate devises, whether conditional or absolute. But we find no trace anywhere of such bequests having added a single acre to the property of the Jesuit Fathers.*

Leonardtown, St. Mary's Co., Orphans' Court, old Record of Wills, from July 27, 1658, Lloyd's will as above, to 1732. Looking through the records here, the eye is caught from time to time by the names of Jesuits or of St. Omer's, etc.—J. Baldwin, Maryland Calendar of Wills, 1635–1685.

No. 37. (1686–1693.)

Devise of land on the Eastern Shore, Md.; not executed. *Mr. Londey leaves 550 acres for the service of the Catholic Church (in Talbot County) at the mouth of the Wye River; and, if the stress of persecution shall render that use impracticable, then the proceeds are to be equally divided among three Jesuit missionaries who are named. These three, Fathers Nicholas Gulick, (Francis) Pennington and Matthews, are to be found together in the Maryland catalogues only between the years 1686 and 1693. But, as the testator alludes to an active persecution, the will was probably dated after the Orange Revolution, and therefore between 1689 and 1693. Though this will was not executed, a note upon a scrap of paper would seem to intimate that some property of John Lundy's in Queen Ann's County was in the hands of the Fathers; and 100 acres were alienated by Nicholas Gulick to Bernard Griffin, in 1716. It is to be noted, however, that Gulick was not in the Society after the year 1695; though he may have remained in Maryland, for all that we know of him. As it seems clear that he, among the three Jesuit missionaries of 1686–1693, must have been the pastor of the Talbot County congregation, so, when he ceased to be of the Society, he may have used and disposed of the bequest without reference to the Order.*

Mr. Londey's Will.

I – – – bequeath to the upholding of the R. C. Chaple, built at the Mouth of Wye River, the one Moiety of my real and personal estate. . . . Further my will is, if in case the Catholicks in Talbot County should be under persecution and be restrained from having liberty of conscience – – – like to continue, so that no benefit of the said Chaple they have, that the moiety of my estate as aforesaid, intended for the use of the said Chaple, shall be equally distributed and divided between Mr. Nic. Gulick, Mr. Pennington and Mr. Mathew's Priests of the Society of Jesus; and further do impower my said executrix to make a firm sale and title to any person or persons of either party or the whole quantity of five tracts of land, containing in all eleven hundred acres of land; and, if my executrix will hold the said 1100 acres of land to her own use, &c., then she shall pay for the one moiety thereof, given for the use aforesaid, pay 2000 pounds tobacco per one hundred acres; which will all amount to, &c., to be converted to the use aforesaid.

Endorsed: Lundeys Will. Not executed.
Talbot County. 1,100 acres of land.

Md.–N. Y. Province Archievs, carton DB; *a torn little 4to scrap, abstract of Londey's will.*

For John Lundy
200ª £, , 8. Waterford patented. . . .
300ª £, , 12.—Woodhouse patented, 2ª March, 1688, to Jno. Lundy, lying on Chester River in Queen Ann's County, of which October 15th, 1716, was alienated 100ª: Bernard Griffin from Nicholas Gulick. *In margin:* N.B. 100ª given by Mr Gulick to Barth Griffin.
200ª . . .

Md.–N. Y. Province Archives, (d) Bohemia; a long narrow strip of memoranda.

No. 38. **1706, July 10.**

The beginnings of the Bohemia estate; partly a bequest, partly a conveyance. *The name of this first farm was St. Xaverius, situated on the Little Bohemia River, Middle Neck, in Cecil County, Eastern Shore, Md. Lord Charles Baltimore, July 10, 1706, granted to Father Thomas Mansell a patent on resurvey of the whole property acquired, and of surplus or vacant land thereunto contiguous.*

Whereas on March 18, 1683, Morrice O'Daniells Rest, *containing 300 acres, was surveyed by special warrant for Marian O'Daniell and Margaret O'Daniel, upon the suggestions therein specified; but now Thomas Mansell can find no record of survey or of our grant issued; and, Margaret dying, Marian bequeathed the same to Thomas Mansell and* one William Douglass, which said William has since . . . released . . . unto the said Thomas *all his right thereto; and whereas, no grant having ever passed, nor record been made of the survey, the bequest and the assignment of Marian and of William Douglass respectively give* the said Thomas noe more than equitable right to have the same by us confirmed: *and moreover he has prayed to have a resurvey by special warrant for the original bounds, for surplus land and vacant land too, thereunto contiguous, all subject to the Conditions now in force; and, whereas the resurvey makes a return of 458 [488?] acres, for which Thomas Mansell has satisfied us, pursuant to Conditions of Plantation, April 5, 1684, and Dec. 4, 1696; hence we confirme to Mansell St. Xaverius, beginning . . . to have and to hold . . . paying yearly to us at St. Mary's, on the feasts of the Annunciation of the Blessed Virgin Mary and St. Michael, the rent of 18 shillings and 4 pence*

sterling. Witness our trusty . . . Coll°. Henry Darnall, Keeper of our great seale in our said Province of Maryland.

Signed in the margin: Henry Darnall, Keep^r.

Endorsed: Cecill County, Thomas Mansells Patent 458 – – – res – – – called St. Xaverius.

Md.–N. Y. Province Archives, (d) Bohemia; original parchment.

The manuscript documents are very ample in the Md.-N. Y. Province archives, (d) Bohemia, and carton A, 1, on Augustine Herman's first seating of Bohemia Mannour and Bohemia River Middleneck adjacent or appendant, a Memorandum or Journall of his reaching from Anno 1660 to June 13th, 1681; as also on the subsequent seating or conveying of the different parcels of property, which went to make up the Jesuit Bohemia estate of nearly 2000 acres. There are besides valuable old plats and diagrams. In particular, Ibid., (d) Bohemia, the certificate of James Harris, deputy-surveyor under Edw. Diggs, surveyor-general, for 488 acres contained in St. Xaverius, August 26, 1704, on behalf of Thomas Mansell; having adjoyned vacant contiguous land to Morrice O'Daniell's, formerly surveyed for 300 acres; one sheet fol.

No. 39. 1711, November 20, to 1730, October 1.

Additions to St. Thomas's Manor. *Three parcels of land, named Piercefield, Splittfield, and Hazard, all adjoining the eastern side of the manor, to the east of Portobacco Creek, were bought by Father William Hunter of Mr. Notley Rozer; and the deed of conveyance was executed on Nov. 20, 1711. They consisted respectively of 100 acres, 30 acres, and 100. The conveyance of the 100 acres, called Hazard, was found to be ineffectual. The vendor, Francis Gunby, had given the purchaser, Col. Benjamin Rozer, no deed for the sale; and then, disinheriting a son, left this property to* one Richard Wharton, *of the Eastern Shore, in the year 1704. Some ten years later, after buying it from Notley Rozer, Father Hunter, in another deed, bought it for £5 sterling from Richard Wharton; but the deed was not executed then. Mr. Hunter died in 1723; and when George Thorold, his heir, deeded all the property to Peter Attwood three years afterwards, the latter inserted in the draft of the conveyance these words:* As also all his right, &c., unto 3 tracts of land lyeing on the east side of Portobacco Creek, the one called Splittfield containing 30 acres, another called Piercefield, and the third called Hazard, containing [*each?*] 100 acres. These 3 tracts of land were

conveyed to Mr. William Hunter by Mr. Notley Rozer. *A fourth parcel in the same locality was called Mankins Adventure, of which Attwood says plainly in his Record, that* it is mostly, if not wholy included in Hazzard and Splittfield, and younger than both.[7] *This he wrote on Jan. 20, 1727. Yet, as in other cases, we find him buying the same tract a second time. First, Mar. 19, 1729, a deed was drawn up between himself and Stephen Mankins, whereby the latter conveyed to him this property for lbs. 1000 of tobacco, and 10 shillings current money. This deed was not executed. But, in the following year, on Oct. 1, 1730, the deed was executed, the said property consisting of 65 acres, and the consideration being lbs. 1200 tobacco and 10 shillings.*

Md.–N. Y. Province Archives, K, *Land Records at St. Thomas's, 1649, seqq.; various documents. Ibid.*, D, Nos. 65, 66, 67, 79. *Ibid.*, (*a*) *St. Thomas's Manor, deed of Thorold to Attwood in draft* (*May 9, 1726*). *A plat of these properties* (*but not official*) *in* K, *showing Mankins Adventure as within the lines of Hazard and Splittfield. Cf. supra*, No. 25, pp. 204–206.

No. 40. **1717 (1718, N.S. ?), January 30.**

Specimen of measures taken to save the personal property. *Father William Hunter deeds all the chattels of Newtown to Thomas Jameson, senior, of Charles County, for 10 shillings.*

Maryland Ss.

Know all men by these presents that I, William Hu[*nt*]er, of Charles County Gent., for and in consideration of the summ of Tenn shillings to me the said William Hunter in hand payd by [?] Thomas Jameson senr. of Charles County Gent., the receit whereof I do hereby acknowledge and of every part thereof doe acquit and discharge him, the said Thomas Jameson, his executors, administrators, and assigns, and for diverse other good causes and considerations me thereto moveing, have given, granted, bargained and sold, and by these presents doe give, grant, bargain, and sell unto the said Thomas Jam[*eson*] all and every the goods, Church stuff, plate, household stuff, negros, horses, mares, neat cattle, hoggs, sheep, husbandry implements, tobacco, corn, and all other grain and all other things whatsoever now on or belonging to – – – dwelling plantation of Britton's Neck and that Quarter – – – the said Neck mentioned in a schedule hereunto annexed, to have and to hold all and every the said goods [*here enumerated again*] unto said Thomas Jameson, his executors – – – for ever t– – – their only benefitt and proper use

[7] *Supra*, No. 25, p. 206, 8°.

and behoof. In witness wh[*ere*]of I have hereto sett my hand and seal this thirtieth day of January, in the year of our Lord one thousand seven hundred and seventeen.

Signed by witnesses,
some of them affixing
their mark. WILLIAM HUNTER.

Memorandum: *The same witnesses testify that herewith Wm. Hunter delivers to Jameson a bay gelding in token of possession of the whole.*

Endorsed: The deed of gift to Mr. Thomas Jameson.

Later Endorsement: House furnitures
By Revd. W. Hunter.

Md.–N. Y. Province Archives, (f) Newtown, 1 page of a double fol. sheet, with faded yellow writing; inventory, f. 2; *endorsed,* f. 2ᵛ. *Original.*

No. 41. **1721 (1722, N.S. ?), February 28.**

The acquisition of the second part of the Bohemia estate: terms of the purchase. *It consisted of St. Ignatius, Part of Woodbridge and Part of Worsell Manor.*

Md.–N. Y. Province Archives, (d) Bohemia, original deeds. A fragment of (Samuel Heath's ?) original bond, undertaking to convey 100 acres of land to Mr. Thomas Mansell; the plat, and list of parcels; much worn, and pasted on stronger paper.

One parchment, dated April 6, 1711, is a patent of Lord Charles, granting to James Heath of Ann Arundle Co. that tract or parcell of land called Saint Ignatius – – – South of St. Augustine's Creeke in Bohemia River, *also Woodbridge, moreover Worsell Manor, now in possession of the same James Heath; besides London Bridge surveyed for Darby Nolan; to have and to hold the same,* payeing therefore yeerely *4 shillings sterling* at the two most usual feasts, in the year (vizt.) the feasts of the Annunciation of the Blessed Virgin Mary and St. Michael the Archangel.

Another original ½ 4to deed, sealed and witnessed, Oct. 24, 1702, between James Heath of Kent Co.[b] *and Owen Orval,*[c] *witnesseth that for the consideration of 3000 lbs. of tobacco,*[d] *hath sold part of Heath's Longlands,* estimated fourty acres, *etc. The witnesses are R. Bennett, Elston Wallis. It is signed by James Heath. The date given above is crossed out, but no other is substituted. It is an original deed used by Father Mansell as a draft.*

Another indenture, that which conveys to Mansell the three chief parcels, summing up 335 acres, is in abstract as follows:—

For and in consideration of the summe of one hundred and seventeen pounds ten shillings, current money to him paid, and for and in consideration of the summe of twenty pounds sterling to him formerly paid by the said Thomas Mansell, Heath makes over all that tract or parcell of land called St. Ignatius, lying in said Cecil County upon the south side of a branch of St. Augustin's Creek in Bohemia River, containing one hundred acres by pattent bearing date April the sixth, one thousand seven hundred and eleven;

(b) *Corrected:* Cecil.
(c) *Corrected:* Thomas Mansell.
(d) *Corrected:* Five shillings, and for and in consideration of other satisfaction to him, the said James, heretofore made.

another parcell in Woodbridge, let the quantity of acres within these limits and bounds be what the same shall be found to be; *another parcell of land in Worsell Mannour, 165 acres or thereabouts; or the said three parcells containing in the whole three hundred thirty-five acres or thereabouts. Feb. 28, 1721. Signed and sealed by James Heath and by Mary Heath; witnessed by Charles Heath, Edward Chetham, Hannah Chetham.*

A great fol. paper endorsed: Recorded this 30th day of Aprill, 1722, in Libro J, D, – – – Foliis 279, 280, 281, 282, Maryland Caecill County.

For the additions of the Moyety of Darnall's Farm, and of Simms Prime Choice, cf. Attwood's Record, supra, No. 28. *The 550 acres of Askmore were not acquired till 1732. Nor were the lands on the Eastern Shore of Maryland vested in Attwood by Bennett till April 19, 1728, which was two years after Thorold had vested in him the titles on the Western Shore.*

No. 42. **1723, 1724.**

A Maryland Jesuit's patrimony: legal opinion regarding Robert Brooke's succession to remainder of his father's, Thomas Brooke's, land. *Robert Brooke, S.J., was a native of Maryland, and, having entered the Society in 1684, when about 21 years of age, he resigned all rights to his patrimony some five years later, expressly in favour of the Maryland Mission, as we gather from the General's letter:*[8]—

A.

The General, March 26, 1689, to the English Provincial John Keynes:

Quod Reverentia Vestra de Roberto Brooko scribit, annuo postulatis, ut suis videlicet se bonis abdicare valeat, eaque missioni Marilandiae applicare.

Then he was superior of the Mission from about 1708 to 1712, succeeding Father William Hunter, and succeeded by Father Thomas Mansell, who again was followed by Father George Thorold. By the will of his father Thomas, this Jesuit Robert had been left heir to part of a tract, his elder brother Thomas being heir to the other part, but their mother enjoying the whole as tenant during life. Robert the Jesuit conveyed away his rights; and he died in 1714.[9]

[8] *Supra*, No. 6, Y[3]. *Cf.* No. 6, K[3].

[9] *To him, no doubt, refers the short obituary notice inscribed about the very time on the inside of the cover of* L. 1, *in the Md.-N. Y. Archives:* – – – died on the 4[t] of April, 1714. Benefac– – – .

Ten years later in 1723–4, his brother Thomas, who was still waiting to enter into possession of his own part, disputed the right to the other part, inasmuch as Robert had been a Roman Catholic priest; and thereby he contested the validity of the subsequent conveyance made by Robert the priest. This went to defeat the title of the purchaser (Thomas Mansell, and through him George Thorold, at present vested with the right). The case was presented to lawyers, who affirmed the validity of Robert's claim. We give a brief abstract of the consultation.

B.

The Case: Thomas Brook, by his last Will and Testament in writing duly executed, devised a certain tract of land to his wife for her life, and by the same Will devised part of the same land after his said wife's death to his eldest son, Thomas Brook and his heirs; and the remaining part thereof, after his said wife's death, he devised to his second son, Robert Brook and his heirs.

The said Robert died before his said mother, haveing in his life time conveyed away his right to the said part devised to him by the said will, being at the time of makeing such conveyance a priest of the Church of Rome; but never was convicted of recusancy or any other crime.—The person that purchased Robert's remainder in fee died in the life time of the testators widdow, haveing first duly made his will in writeing and devised the said remainder in fee to an other.—

Qu.: Whether the conveyance made by Robert, and the devise made by his grantee be good, so as to take effect in possession, immediatly after the death of the widdow who is still liveing?

Answer: I think the devise and the conveyance are good, and that the devisee will have a good title to the part to him devised, after the death of the widdow.

J. Darnall.

9 Decr., 1723.

The Case, same as above, in same hand; but for the solution a different hand:—

Answer: I look upon this case to be relating to lands in the Plantations, where our Act against Popery of the 11 and 12 W. 3 does not extend, and upon that consideration I am of opinion, that the conveyance by Robert well convey'd his remainder devised to him by his father, dependant on his mother's death, to his grantee. And the devise by the grantee will be good and take effect in possession, upon the death of the widow of Thomas Brook, who is tenant for life. But, if this case was concerning lands lying in England,

the devise by Tho. Brook to Robert, being a Roman Catholic, would have been void; and consequently the grant of Robert and the devise by his grantee would have been void.

ROB. RAYMOND.

Jan. 29, 1723 [*1724, N.S.?*].

Endorsed: Relates to a devise made by Thos. Brooke to Roger [!] – – a priest. – – Mrs. Rachel Darnall is interested in this dispute.

Georgetown College Manuscripts, original papers, two copies of the case, one for each lawyer with the respective answers.

Three properties of the Mission were probably involved. Compare the Maryland Calendar of Wills, *by J. Baldwin*, p. 181:

C.

Brooke, Thomas, Calvert Co., Will drawn, 25th Oct., 1676; probated, 29th Dec., 1676.

To wife Ellinor, testator's part of "Delabrook Manor" during life.
,, eldest son Thomas and heirs, part of the aforesaid tract of "Delabrook Manor" (for description, see will) at death of wife; also part of "Brookfield" at 21 years of age.
,, 2nd son Robert and heirs, residue of tract of "Delabrook Manor" at death of wife aforesaid, and remaining part of "Brookfield" at 21 years of age; also "Crossoloth" and "The Wedge."
,, 3rd son Ignatius and heirs, 700 acres of "Brooke Grove."
,, 4th son Matthew and heirs, 500 acres of "Brooke's Content," and 300 acres of "Brooke Grove."
,, said sons Ignatius and Matthew and heirs, 50 acres of "Grove Landing" jointly.
Etc.

This Ignatius Brooke was another Jesuit of the family, and a part of his patrimony appears later in the accounts of the Maryland Mission.[10]

No. 43. **(May Term, 1729.)**

The same case of Robert Brooke, S.J.: a legal plea. *The civic rights of a Catholic Priest. Legal acceptance of the priesthood.*

'Tis allowed by the Councill for the Plaintiffs (Mr. Key and Mr. Beckingham), That the Roman Catholicks are allowed by law,—vizt. the suspending Act made by order of the Queen,—the use and exercise of

[10] *Infra*, No. 65.

their religion, and that no Popish Priest can be prosecuted for exercising his function as that law directs. To which they act in contradiction in indeavouring to convict Robert Brooke, for and by exercising the said function, and not only convict but punish him by forfeiture of his land, etc., and this after his death. Upon which I observe—

First, that he was not convicted of this or any other crime, at the time of his conveyance nor in his lifetime; therefore his deed was good.

2dly. That he was not to be prosecuted for the exercise of his function as that law directs, even in his lifetime; therefore much less when dead.

3dly. That to allow him to exercise his function, and to bring the said exercise as proof of his being a Priest, and upon such conviction to punish him, is a contradiction.

4thly. For, as to exercise the function of a Priest supposes Priesthood, so to allow the one is to permitt the other; and therefore when and where the law directs, that no one shall be prosecuted for exercise of the priestly function, there and then the same law must direct, that the same person is not to be prosecuted for being a Priest; because without this he cannot exercise the function of a Priest.

5thly. Unless there be a Priest, there is no exercise of his function; without this the people have no use of their religion; therefore, since this is allowed to the people, the function must be allowed to the Priest; and therefore his Priesthood must not be punishable.

6thly. It's triffling to say, we punish him not for the exercise of his function, but for his being a Priest; because, where that is innocent, this must [*not*] be punishable; for what would it avail the people to have the use of their religion allowed, or the Priest that he shall not be prosecuted for the exercise of his function, if this same exercise shall be taken as proof to convict him as Priest, and then to punish him for being a Priest. If this be allowed, then no use of religion is allowed to the people, nor any exercise of his function to the Priest; unless you say it's lawfull for the Priest to do that for which he may be hanged.

Lastly, supposing all the laws in force and no such liberty allowed, yet no person is guilty in law till convicted; and, supposing that a posthumous conviction were allowed, it cannot retrospect or rescind a deed which was duly executed before conviction, when the person was rectus in Curia, as all are till convicted to be otherwise.

A document among the family papers of Charles Carroll Mactavish, Esq., published by T. M. Field, Unpublished Letters of Charles Carroll, *etc., Introduction,* pp. 17–19, *Document* ii. *It is clearly upon this Brooke case, though neither the paper itself nor its editor gives any explicit statement of its bearings.*

No. 44. **May Term, 1729.**

Decision given by the Court in the aforesaid case of Robert Brooke, S.J. *It is referred to as a precedent, in a case of Father Ashton*

Lessee v. Turners, about 51 years later.[11] *After a lengthy plea upon Friars, Priests, Jesuits and ex-Jesuits, the argument proceeds as follows:—*

I shall now refer the Judges to the case of
Thos. Brooke Lessee @ Ed. Cole — Ejectment, tried May term, 1729.

On special verdict it was found that Thos. Brooke died seized in fee of the lands in question, and by his will (duly made) devised part to his eldest son Thos. (the plaintiff) in fee, and the residue to his second son Robert in fee, under whom the defendants claim. The ejectment was brought by Thos. to recover the lands devised to his brother Robt., because he was at the time of the devise a Rom: Cath: priest. Judgement for the defendant: vid. Lib. B. B. N° 2, fol. 15. I have furnished a copy of the special verdict. In this case two questions are decided: 1st. That the penal statutes which disabled Papists from purchasing lands, &c., did not extend to Maryland; 2d. That a Jesuite priest could take land by devise. . . .

Md.–N. Y. Province Archives, 42, *Ashton Papers*, ff. 6, 7; *a document 8 ff. 4to, endorsed by Fr. Adam Marshall:* Report of Mr. Ashton to the court relating to property of his own. *It passed, however, to the ex-Jesuit Select Body of Clergy. Ashton filed the suit against Turners on June 8, 1780.*

No. 45. **1725, January 21; 1727, October.**

Quantico on the Patuxent, in connection with the case of Brooke's patrimony. *Within a year after the foregoing consultation of the lawyers, a business agreement was entered into by Father Thorold, which may throw light upon the Brooke law-suit; suggesting why it was at this precise date that the question was mooted and tried at law, as between Thomas Brooke, the Protestant councillor of Maryland, and his deceased brother, Robert the Jesuit. In that case Edward Cole was nominally the defendant. And it is to Edward Cole at this time that we find the Jesuit administrator, Father George Thorold, beginning to convey certain property. He promises to complete the transaction when he can; and he will have a guarantee inserted as against further claims of a Mrs. George Attwood. This George and his brother Thomas, a physician at Worcester in England, should both seem at first sight to have landed interests in Maryland; George, inasmuch as against his wife Thorold will give Cole a guarantee for the*

[11] *Cf. infra*, No. 162, Q.

future; and Thomas, inasmuch as by another transaction he buys twelve able-bodied negroes from George's estate. It is clear that no exigencies of an estate in England could have prompted Thomas the doctor to relieve George the squire of twelve working negro slaves. But, in fact, this may have been only a donation from the physician to one of the Jesuit farms. And Father Peter Attwood himself puts his signature as a witness to the bargain between his brothers. We subjoin the relative abstracts:

A. 1725, January 21.

Memorandum. Mr. Edward Cole and Mr. George Thorold came to an agreement for the soil of Quantico, a tract of land lying on Patux: Ri: in St. Mary's County, adjacent to Nicholas Lowe, Esq. The sayd Cole is to give two hundred pounds sterling money of Great Brittain for sayd land. The sayd Thorold to contrive a conveyance to be made as soon as conveniently can be done to Nicholas Lowe, Esq. Two negroes, man and wife, called Will and Saara, with their son Harry, to be delivered immediately to the said Thorold for seventy pounds of sayd money. The sayd Thorold obliges himselfe to have a general warrantee made for the sayd land, and to secure the sayd Cole from any further charge on account of Mr. George Attwoods wife, nor will he require – – – farther pay till Madam Eleonor Darnall – – – The sayd Cole to give his bond for the remai – – – of sayd money to be payd (within 3 years af – – – the sayd Darnalls decease) immediately upon the conveyance.

GEORGE THOROLD.
EDW? COLE.

Jany: the 21th: 1724/5.

Endorsed: Mr. George Thorold and Mr. Edw. Cole's Agreement about Quantico, [e] Patuxent River, St. Marys.

Md.-N. Y. Province Archives, (c) St. Inigoes; original fol. sheet.

B. 1727, October.

For £300 *of lawful money of Great Brittain,* and divers other good causes and valuable considerations me hereunto moving, *George Attwood sells to* Thomas Attwood of the City and County of Worcester, Doctor, twelve able working Negro Slaves, to have . . . for ever. *The money to be paid down on or before 25th: Dec., 1730. Signed by Geo. Attwood and sealed. Witnesses: Peter Attwood. Frances Smith.*

Endorsed: Sale of Negroes by Geo. Attwood to Thomas Attwood, Oct. 1727.

Ibid., N, *1 p. fol. of poor paper, much worn.—Cf. Foley*, Collectanea, *sub voce "Attwood, Peter:"*—

(e) *What follows is in Father Carey's hand.*

C.

George Attwood of Beverie, Worcester, married Winefrid Petre. He died 1732, she in 1714; both buried at Claines, near Worcester. They had at least five children, viz. Winefrid, Thomas, Peter, George and William (communicated by Hon. Mrs. Douglas, sister of Lord Petre).

The account books of the English procurator S.J. show some sign of an active intercourse between Worcester, England, and Father Peter Attwood in America. The following item may refer to a Christmas box:—

D. 1730, December 12.

1730, Dec. 12. For carriage of a box from Worcester [*to London*] for Mr. P. Atwood .. .. 2/3d.

London Day Book H, Exposita (*Disbursements*), *among other items for Maryland.*

No. 46. (1764.)

Negro slaves in the hands of Catholic proprietors. *It is apparent from the accounts of Jesuit farms that the possession of able-bodied negroes implied the support of two other categories, consisting of those who were not yet able, and of those who were past being able to render service. The finding of these in food, clothing, habitation and doctor's care, though so beneficial to the negro in his home life, was nowise conducive to economy in the management of a plantation; and least of all when the negro was what a common phrase significantly meant by a "priest's slave."*[12] *We copy the first three pages of Father (Lewis's?) memoranda about White Marsh (1764), and reserve the question of slaves for another place.*

At the lower Quarters. Nanny. Kate, her child. Fanny born 1762, and Samuel, 1764. Ruth. Terry. Regis. (Sampson. Jenny.)

Frank and Children. Lucy. Davi. Nancy. Paul. Henrietta born May, 1763.

Crop of corn at the Marsh in 1763, 319 B. B. *Then, after an account of the stock,*

Names of the children not capable of work at Fingal:

Mina, Simon, Henry } Nanny Cooper's.

[12] *Compare John Carroll, Answer to P. Smyth, [1789], unpublished MS.; Georgetown College Transcripts. Shea's own copy,* f. 8.—*Published in* American Catholic Historical Researches, xxii. 202 (*July, 1905*).

Doll, Dick, Peter, James	Sarah's	Mary, Peggy, Sall, Winifred	Phyllis's	Nancy, Cate, Rachel, Priscilla	Mary's

Past service: Tom and Susanna. Betty.
Same. Sarah. Doll.

Far advanced in age and mothers of many children: Phyllis and Nanny Cooper.

Names of the children at the Marsh not capable of work.

Monica, Ambrose, Ned, William, Nancy, Basil	Charity's	Jack, Charles, James, Patric, Anastasia	Nelly's	Lucy, Davi, Nancy, Tual, Henny	Franc's

Harry, Mary, Lucy — Henny's	Mary Susan's child
	Ned Phyllis's
	Fanny Cate's

Past service:

John
Nell
Samson
Jenny
Nanny;
Aged each near 70;

Isaac and Son
Isaac Carpenter's
Robert and Son's
Robert and Tom shoemaker's
Nelly Cook
Priscilla Spinster, because a cripple.

Then, on a loose sheet, we have the ages of different families of children, and some wardrobe accounts:

12 Ells. Robert and Nelly, *and so for 10 couples each . . . .*
Yards. Bob and Michael

Tom and Isaac, *and so for 10 couples, the males and females in both lists being bracketed together indifferently.*

Md.-N. Y. Province Archives, (b) White Marsh; a small 8vo of 20 ff.; ff. 1, 2.

Compare the report infra of Father George Hunter in 1765, on the "plantations" of Maryland (No. 97), *and on the "farms" in Pennsylvania* (No. 106); *also Father Francis Neale's statement on St. Thomas's Manor, 1822* (No. 114, F–K). *The southern plantations show a large margin of supernumerary slaves on the priests' hands; they are the infants, the aged, and the infirm. Thus White Marsh has thirty-six supernumeraries out of sixty-five slaves. Father Francis Neale reports five working hands*

against more than twenty supernumeraries. The northern farms had no such burden of slaves.

No. 47. **1726, May 9.**

Thorold's conveyance to Attwood of all the foundations on the Western Shore, Md. *A draft.*

The tracts of land now belonging to Mr. Geo. Thorold of Ch. County, and which he would convey to Mr. Peter Attwood of the same County, are as follows :

In St. Maries County, St. Inigo's tract, lying on the East side of St. Georges River commonly called St. Maries River, containing and laid out for 2000 acres ; and St. George's Island *on the other side* of 1000 acres ; *the whole forming St. Inigo's Manor.*[13]

A tract of land called the Chappel Land, on which the Chappel stands at St. Maries, containing about 40 acres.

In Charles County, St. Thomas his Manor, *consisting of* 3500 acres *towards Cedar Point* on the west side of Portobacco Creek, and the 500 on the east side; north of the Potomac.

The three new tracts *added to the latter estate* calld Splittfield, containing 30 acres, another calld Piercefield, and the third calld Hazzard, containing 100 acres. *All conveyed to Hunter by Rozer.*

A Neck of Land between Brettons Bay and Clements Bay, commonly called Brettons Neck, containing 700 acres ; and one other parcell of land adjoining to the former, called the Outlett, containing 100 acres.

Endorsement on this draft: Abstract of all o[*ur ?*] lands [*on*] the Western Shore.

Endorsed again in the same hand, Attwood's (?), that of the draft itself : Mr. Wm. Hunters will runs thus. I give and bequeath to [f]

Md.–N. Y. Province Archives, (a) St. Thomas's Manor, the draft of the conveyance, with marginal notes and additions on the opposite page, by (Attwood ?); a double 4to sheet. The deed recorded gives no items, but for five shillings sterling conveys to Attwood all that had been bequeathed by Wm. Hunter to George Thorold. To an endorsement: Geo. Thorold Deed to Peter Atwood, *etc., a note in pencil adds:* For all the property in Md. *But* Western Shore *should have been added. There is an enumeration of acres in the draft, and we have given the substance of it as supplemented by the annotator. Ibid.*, B, No. 42, *true copy of recorded decd attested by D. Wolstenholme, from* Lib. H. No. 5, fol. 430. *Ibid.*, N, *a separate attestation from same,* Clerk of St. Mary's Co., *to same effect, Feb. 7, 1774.*

(f) *End of endorsement.*

[13] *Annotation here by Attwood:* St. Inigos and the Island. Mr. Thomas Copley takes it up and makes it over to Cuthbert Fenwick, who obtains a patent, July 27, 1641. He conveys it to Mr. Henry Warren, 1663. He to Mr. Pennington, 1685. He to Mr. Hunter, 1693. He bequeaths it to Mr. Geo. Thorold, 1723. *A similar annotation follows on* St. Thomas his Manr *bequeathed finally by Hunter* to Mr. G. Thorold, 1723.

No. 48. **1727, January 20.**

The entire quantity of Jesuit property in Maryland, at the beginning of 1727.

From the foregoing conveyance it appears that, in 1726, all the town land of St. Mary's City had disappeared from the assets of the Fathers, except only 40 acres about the Chapel; reducing that property by 360 acres.[14] *The 750 of Bretton's Neck are put down as only 700. Piercefield consisted really of only 20, instead of 100 acres, as explained by Attwood in his Record.*[15]

Hence the sum-total of landed foundations on the Western Shore, belonging to the Society at the date of Thorold's deed, we compute as having been 7990 acres; in round numbers, 8000.[16]

On the Eastern Shore, at the time when Attwood drew up his Record Jan. 20, 1727, there were nominally 1183 acres already acquired, whereof one piece, the 75 acres of Simms Prime Choice, were practically 35, the rest being part of Heath's Longlands, which Mansell had proceeded to buy.

Thus, on the Eastern Shore there were 1143 acres, which with the accession of Askmore's 550 acres, a few years later on April 20, 1732, made the sum-total of landed property at Bohemia 1693, or in round numbers 1700 acres. Of this some claims had to be bought up a second time in 1731, as the result of legal difficulties with a neighbour, Joshua George. Cf. Nos. 82, 83, B.

The entire foundation, on Eastern and Western Shore together, amounted at this epoch to the sum of 9133 acres.

No. 49. **1633–1727.**

Devises of land made to the Jesuits in Maryland, during this first period.

First, there was the bequest of Morrice O'Daniell's Rest at Bohemia, left to Thomas Mansell and William Douglass. This moyety of an interest in the whole would mean a full right to one half of the 300 acres, and the purchase of the remainder from Douglass when the latter made over his title to Father Mansell.

[14] *The Chapel lot itself disappeared later, being resurveyed for Vernon Hebb, May 14, 1764 (Annapolis Land Records, Warrants,* Lib. W. S. 6), *on the ground that no patent to Cuthbert Fenwick could be found. But the patent is on record, where Cuthbert Fenwick's Certificate of Survey is seen* (Lib. 1, fol. 117; *old* Lib. F. fol. 135).

[15] L. 1, p. 102. *Cf.* Killick, *supra,* No. 25, p. 204, 2º

[16] *Compare* No. 24, p. 201: *the same sum-total of 8000 acres.*

Secondly, young John Simms, who seems to have died at the age of 17, bequeathed his Prime Choice, 75 acres, to Mansell. This piece was found to be good for only 35.

Hence, as all the rest of the landed foundation was distinctly purchased, only 185 acres are to the account of legacies, while 9498 acres had been bought for valuable considerations.[17]

[17] *For this period, compare a statement made in a report to the Propaganda ninety-three years later:* Quando Jesuitae (150 circiter abhinc annis) in hanc nostram Marylandiae provinciam advenerunt, juxta leges a nobilissimo principe Baltimore latas maximam quantitatem terrarum, quae tunc tempore vili pretio habebantur, dono accepere, ratione videlicet hominum, quos ex Europa secum adduxere. *See infra*, No. 115, § 9. Juxta leges a nobilissimo principe Baltimore latas, *that is, the Conditions of Plantation, each man brought over by the Fathers cost the latter £20 sterling; and for this outlay on behalf of the colony 500 acres, at the beginning, were assigned per man; at later periods, less. Cf. supra*, No. 9, p. 146; *also* History, I. § 20, pp. 252, 253. *Hence, for* dono accepere, *the text of the report should have run, "pretio soluto accepere," as the next clause in the same sentence implies:* ratione videlicet hominum quos ex Europa adduxere. *The idea of a free gift seems to have arisen from a foreigner's misconception of the English word "grant," which occurs in warrants and patents. In a much greater question, that of Alexander the Sixth's "donation" to Spain and Portugal, when by his Bull of delimitation he "gave" the Indies East and West to those Powers, compare the meaning of that term, as implying a just right acquired* (*L. Pastor*, Geschichte der Päpste, iii. 519 (edit. 1899); *Hergenroether*, Katholische Kirche und christlicher Staat, 341).

In the report to the Propaganda, just cited, the next paragraph begins: Praeter has amplissimas terras, alia et quidem pinguissima praedia in decursu temporum acceperunt a piis donatoribus; in perpetuum usum Ecclesiae Americanae ipsorum bonae fidei commissa sunt. *See infra*, No. 115, § 10. *The verification of this statement belongs partly to the documents already given, and partly to those now following, which shall be equally exhaustive* (§§ 7–10).

§ 7. Particular Bequests and Benefactions, 1727–1780.

Having mentioned in several Numbers of the preceding Section the contributions of legacies made or projected during the first period of 94 years, we shall now give a distinct Section to the documents which report similar contributions during the second period of the Maryland Mission. These will be found to consist rather in the patrimonies of Jesuits, assigned by themselves to their own Order for the service which it rendered to the Church; and besides in the very ample allocation of funds belonging to the English Province, and never made good by the Mission to the home office in London. Many special acts of kindness performed by the English Catholic gentry are to be traced in the accounts extant; as when we read of George Hunter, to whose administration in the future Maryland was to owe so much, that he was cared for by the Duchess of Norfolk as his guardian or patron. An old procurators' day-book of Liège College has this entry about the young novice: 1731, Sept. 20. Received of the Dutchess of Norfolk by Mr. Lawson, in full of Geo. Hunter's board and first cloaths, £19. 12*s.* 2*d.*[1] *One gift bestowed from without the Order and in Maryland itself was a noble one. It was that made by James Carroll of his landed estates called Fingall and Carrollsburg, which, under the more familiar name of White Marsh, met with the rare fortune of becoming celebrated in the folios of the Papal* Bullarium, *as also in that of the Propaganda.*

No. 50. **1727–1742.**

Official note of rights of inheritance, as settled by individual Jesuits.

The note which we quote covers only fifteen years, being a memorandum of the English Provincials from the time of Father Turberville to that of Father Shireburn, and stating the use to which members of the Order put their rights of property, on

[1] *English Province Archives S.J.; Day-Book* E.

divesting themselves of its use. This act of resignation or renunciation, in accordance with the vow of poverty, was regularly a matter of obligation within four years after entering the Order, unless special reasons warranted Superiors in putting off the act of surrender. It became absolutely necessary before taking the final vows, which settled the permanent grade of Professed Father, of Spiritual Coadjutor, or of Temporal Coadjutor. We copy from the note the names of those who were natives of Maryland or who worked there. Except when conditions or qualifications in the settlement called for distinct statement, there is no special indication in these memoranda of what the property was or in the future might be, through descent, bequest, or other form of acquisition.

A. 1727–1741.

Have renounced 1727. . . . Robert Harding:—Provinciali absolute. . . . Rich. Molyneux Sen^r., Societati omnia, excepta 5^a^ parte eorum bonorum quae illi post Matris obitum contigerint, quam 5^am^ partem donavit Collegio Leodiensi, nec non aliquid suis consanguineis, qui tum maxime indiguerint: reliquum vero eorundem bonorum alicui Societatis Collegio, aut Residentiae, prout Superioribus visum fuerit. 10 Nov. 1727. . . . Joan. Fleetwood 20 Maii 1729, omnia Patri et Matri, et post obitum illorum Provinciali pro tempore existenti. 1729, mense Jun.: Carol. Booth, Hen. Neal, Arnold Livers, Thos. Wesby:—Provinciali absolute . . . 1730: . . . Jac. Farrar, Provinciali. . . . 1733: Benedic. Neale, Societati absolute, 4 Junii. . . . 1734: Tho. Digges. . . . 1738: . . . Franciscus Diggs, Joan. Diggs . . .:—renuntiarunt absolute P. Provinciali. An. 1740: . . . Robertus Knatchbull Missionarius Marylandiae, Joan. Kingdon, absolute Provinciali. Richardus Gillibrand eodem modo quo frater . . . Gul. Gillibrand, P. Provinciali, exceptis 450 lb. sterlingis, quas relinquit Fratri ea conditione ut solvat Provinciali 25 lb. p. an., durante dicti Gul. vita. Renunciarunt an. 1741: . . . Bern. Crosse, absolute Provinciali, 21 Apr. . . . Tho. Leckonby, ditto, 21 Apr. Rich. Ellis, ditto, 20 Apr.

English Province Archives S.J., Provincials' Note Book (1725–1772), 12mo, stout volume, bound in pigskin, not paginated.

The independence, with which such gifts to the Society or its missions were made by members and regarded by superiors, may be illustrated by a letter of the General, Father Francis Retz, to one of the Gillibrands just mentioned, whose family estates in Lancashire were considerable. William, being a scholastic student, desired to be left at Liège for the continuation of his theology, when the

lapse of the house income from Bavaria necessitated the dispersion of many scholastics among other houses or provinces. He mentioned his desire to the General, adding the circumstance that he himself intended to help the distressed College or Province with funds from his family. His Paternity answered, that he could render such assistance wherever he was; there was no need of altering arrangements for that:—

B. 1742, September 29.

Leodium Ch^mo^ Guilielmo Gillibrandt, Schol. 29 Sept. [*1742*].

Accepi quidem tuas literas, quibus concedi tibi postulas isthic terminare cursum theologicum, ne sub alio coelo subeas periculum tuae non satis firmae valetudinis. Sed, cum fieri possit, ut non transferaris ad valde diversum, mihique prae privato bonum commune cordi esse debeat; adhaec facile accidere queat, ut alibi longe melius quam isthic valeas, praesertim accedente divina benedictione ex impleto sanctae obedientiae exercitio, author tibi sum ut, quod superiores tui de te statuerint, huic acquiescas, idque exequi non verearis. Si collegio isti admodum egeno, aut Provinciae, ex eleemosynis tuorum benefacere meditaris, id tamen, non obstante mutatione, tibi integrum et coram Domino magis meritorium erit. Vale, atque in precibus tuis mei memor esto.

General Archives S.J., Anglia, Epist. Gen., *under date.*

Compare also the Father General Tamburini's reprobation of a property settlement made by Father Peter Davies in favour of the Society. That Maryland missionary seems to have retained a lien on the property for his own service, or what is called a peculium (1715, Oct. 19).[2]

No. 51. 1728, November 10.

The release of debt by the parent Province to the Maryland Mission.

Father Peter Attwood, in whom all the titles of both Western and Eastern Shore, Maryland, were vested by 1728, and to whom as second devisee the estate of White Marsh was bequeathed by James Carroll in the same year, obtained, a few months later, the remission of all arrears due from Maryland to the English Province. The consideration, in view of which the Provincial granted this discharge, was something which Father Thorold had given to Attwood; whether that meant the deed of the Western Shore

[2] No. 7, K.

estates, or a surrender of his rights as first heir to White Marsh ;[3] *or, finally, the proceeds of Thorold's own manor of Little Benton in Lincolnshire, which he sold at some time to Lord Cardigan, as he mentions in his wills,*[4] *and the gift of which to the Society in America the Provincial may have desired to acknowledge by a largess of his own.*[5]

Mr. Jno. Turberville, in a letter to Mr. George Thorold, dated 9ber the 10th, 1728, by Capt. Watts. . . . As for the arrears to Mrs. Province, Mr. Attwood desireing a release of them, in consideration of what yu've given to him, you needn't be in any concern about them, till you hear farther, but only keep touch for the future and pay your quota for them who are sent you – – – As for what he (Mr. Attwood) writ about requireing something of the congregations to support the charge and expenses of the Mission ; seeing you have no custome or president for it, and they pleading poverty, I would have you very cautious in doing it. If your workmen be spareing in their expenses, as prudently he says he exhorted them to be, I hope you may subsist without makeing your congregations contribute to it.

Md.-N. Y. Province Archives, L. 1, p. 14.

This principle of gratuitous service was reasserted in the General Chapter of Maryland ex-Jesuits, October, 1786, as infra.[6]

No. 52. **1738, February.**

Another release from debt by the parent Province. *A memorandum.*

N.B. All arrears due from this Mission to Mr. Provincial or Procurator of the Province were fully discharged by Mr. Bolt Provincial, Feb. 1738. Testis Mr. Thomas Pulton upon his arrival into Maryland, April 28 of the same year 1738, being assured of the same by Mr. Bolts own mouth.

Md.-N. Y. Province Archives, L. 1, p. 16.

[3] *However, neither of these deeds could be called a gift from Thorold to Attwood or the Society, since he held such titles only in the name of the Order. Besides, as to White Marsh, that was still in his name as late as 1737* (No. 74, B).

[4] No. 64, A.

[5] *The distinct mention of his Lincolnshire manor in the wills of Thorold, devising as a Maryland trustee, would seem to intimate some connection between the said manor in England and the Jesuit property in America, as, for instance, that of his having already assigned the proceeds to the Maryland Mission.*

[6] No. 150, M, *General Resolve* 3º *Cf.* Nos. 56, [*12*] ; 59, A ; 135, note 30.

No. 53. **1754, March 30.**

Another accumulated debt of Maryland to the Province. *An entry.*

Per Contra Cr. . . . By dew from Maryland, £1574/4/9¾.

English Province Archives, Book of Annuities, 1754–1768, V; *in a series of lists, Debit and Credit, all dated 1754, Mar. 30.*

No. 54. **1758–1763.**

The capital of three life annuities assigned to Maryland, the interest of which had to be paid by the English procurator. *In 1763, they amounted in the aggregate to £1733/6/8. The annuity of £100 due to one person, Miss Elizabeth Shepheard, by marriage Mrs. White, was not extinguished for a quarter of a century or more.*[7] *It was at 8 per cent. on the capital, and it came to be known in business controversies as the White annuity. Another annuity, that due to Mrs. Frances Howard, was at 9 per cent., and seems to have been extinguished earlier. A third, Miss Elizabeth Plunket's annuity, came to an end with her death after about seven years.*

English Province Archives, Ledger B, p. 265, *seq.*: *Maryland Accounts; Day-book* P, *Maryland and Pennsylvania Accounts, 1759, seq.*

The final outcome of all this was that, in 1789, during the Suppression of the Society, a large outstanding debt of £1413/13/8½ was due to the London office of the English Fathers. The whole of it was remitted by the procurator Father William Strickland to the new Bishop, Dr. John Carroll, upon a new understanding for the future.[8] *But this did not prevent a new misunderstanding, which ended in 1811 with the cancelling by the same Father Strickland of a new debt, £429/19/4, which had accumulated again.*[9]

Ibid., Ledger B, f. 277; *Ledger* G, f. 126.

[7] *Mrs. White died July 7, 1794. Hence her annuity at 8 per cent. absorbed the capital several times over. In some notes about Carroll's money affairs with Strickland, B. U. Campbell, after copying the date of Mrs. White's death, makes the following observation on a letter apparently of Strickland's, August 9, 1789:* About Pa. fund, Mrs. White's annuity, and $20,000 due by Americans to English Province. *Georgetown College MSS., folio blank book, Campbell's sheets inserted.*

[8] *Cf.* No. 150, H, J.

[9] *Cf.* No. 150, L.; *also T. Hughes,* Properties of the Jesuits in Pennsylvania, 1730–1830, *in* Records of the American Catholic Historical Society, xi. 182–185.

No. 55. (1633–1773.)

The policy of financial independence. *To explain the principle quoted above from Father Turberville's letter of Nov. 10, 1728,*[10] *that, if possible, nothing should be demanded of the Christian flock for the support of the missionaries, there are several pertinent documents which may be quoted. And, as to the carrying out of this principle in practice, illustrations abound; inasmuch as the current accounts show the missionary farms taxed for the general support of the Mission, or their charity called upon for the purchase of a new station like that of St. Joseph's on the Eastern Shore; but show nowhere any trace of the faithful being taxed either for the maintenance of their local stations or for that of the general establishment.*

De contractu civili ad Missiones non faciendo. Ex litteris R. P. N. Francisci Piccolominei, 8 April., 1651.

Significavi alias Missiones non esse capaces bonorum stabilium, seu reddituum; adjungere nunc debeo nec ipsa collegia, aut domus, esse capacia obligationum civilium ex contractu ad ejusmodi Missiones: sed solum ex charitate, fidelitate, seu mandato Praepositi Generalis, &c. V. R.ª dum visitabit Provinciam diligenter examinet quae et quales sint obligationes ad Missiones in domiciliis nostris, et ad me referat, ut sanari possi[*n*]t.

Stonyhurst MSS., MS. A, v. 1, f. 35ᵛ *in* c. 7; Excerpta ex variis literis Generalium. *Cf. supra*, No. 6, Z *bis*.

No. 56. 1759, April 2.

The Provincial Father Corbie's Ordinations on the subject of independence in temporalities. *In another place will appear the text of Father Corbie's* Ordinations and Regulations for Maryland, *as formulated on April 2, 1759. But two passages concerning the present head may be quoted here.*

4. As the good of the Mission absolutely depends upon it, all must readily concur, according to their respective abilities, to the raising the annual sum of £200, as was most wisely settled by mutual agreement in 1751, for the publick good and for procureing fresh supplies, and sending home those who are less fit for service, it being, from the iniquity of the

[10] No. 51.

times, impossible for the Province to bear that burden. But then care must be had, that this burden be equaled as much as may be to the circumstances of each settlement; and, when one is found to be overated, the Superior must see the partie grieved be eased, and portion out the grievance upon others better able to bear it. . . .

[*12.*] All independence upon seculars, so desirable in itself, so much recommended by our holy rules and constitutions, must by all possible means be maintained. 'Tis notwithstanding highly unreasonable, that the Province, as it has done, should continue to run itself into great inconveniences and debt to support the said independence, though so much to be wished for. Wherefore Maryland must necessarily order things so as to support itself, as the Generals orders require and all our colleges and districts do; least otherwise that flourishing Mission (which God forbid) run to decay for want of fresh supplies, or it be found necessary to levey charitable contributions upon those, for whose help and assistance they are procured.

Md.–N. Y. Province Archives, 1759, April 2; Ordinations and Regulations for Maryland. *Also Ibid.*, 3.—*General Archives S.J.*, Maryl. Epist., 1, i., *Incunabula. Cf. infra*, No. 74, A.

No. 57. **1755–1778.**

The current contributions of the missionaries themselves to support the Maryland Mission. *Divers entries.*

Conewago, Dr.	1755, Dec. 7.	£115/11/4¾, sterling.
„ „ „	1756, June 3.	41/7/11½
Conewago, Cr.	1755, Dec. 10. By credit given you by Province Maryland,	115/11/4¾
„ „ „	1756, Aug. 2. By credit given you by Province Maryland,	41/7/11½
Lancaster Factory, Dr.	1755, Dec. 7; 1756, June 3;	29/5/5¾
„ „ „ Cr.	1756, Aug. 6. By credit given you by Province Maryland,	9/5/5¾, sterling.

The Province Maryland as debtor credits Newtown in 1755 with £83/6/3, sterling, at the same time that it credits Conewago as above; also Portobacco with its quota of £100 sterling; and St. Inigoes with £45 sterling, but in value received, by Corn £23, and horse £22. *The rate for 1756 is about the same; while Father Ellis's voyage to Ste. Croix in the same year is charged to the Mission at £25/10/0 sterling (?).*

In 1766, Aug. 2, the St. Inigoes quota is in currency £41/13/4, while that of St. Thomas's at Portobacco is in currency £166/13/4 which is £100 sterling. This latter place is charged with the same sum in the following year, on Dec. 23; and that remains its quota for good, from 1771 till 1778, when Portobacco seems to have paid in a certain number of years,

on account of its quota alone, the sum reckoned at the foot of a column: £1773/1/0½, currency.

As to the relative values of money, it is expressly stated in the account for 1766: £100 sterling at 66⅔, *i.e. premium; and this remains the rate till the end of the accounts in 1778: viz. £100 sterling = £166/13/4.*

Md.–N. Y. Province Archives, Ledger No. 19, ff. 36–38. *George Hunter's Day-book*, 1, ff. 17, 24. *G. Hunter et alii, Day-book* 2, f. 31.

No. 58. 1802.

Bishop Carroll's statement of the foregoing policy, regarding the financial independence of the Jesuit missionaries, and the vesting of religious property titles. *In a series of letters from April to July, 1802, addressed by Dr. John Carroll to the Rev. Mr. Rossiter at Philadelphia, the Bishop had occasion to review the old system of ecclesiastical tenure by the Jesuits, and to lay down certain principles of management for one who, like Father Rossiter, was in charge of the Society's property. It was just then being threatened with the invasion of lay-trusteeism.*

A. 1802, April 30.

Carroll, Baltimore, Apr. 30, 1802, to Rossiter:

. . . Remember that you are principal in the house; and representative of the legal owner. . . . When I shall have leisure, I will examine the yet unopened manuscript, and send you my candid opinion. . . .

B. 1802, May 5.

Same to same, Baltimore, May 5, 1802:

. . . If the motion brought forward, as mentioned by you, went so far as an attempt to divest the legal proprietors of the presbytery, old chapel, and lots thereto belonging, of their absolute right in them, or to limit their power of disposing of them according to their best judgment; I must say, that it was a weak motion, and calculated to destroy all harmony and confidence. In the first place, the legal proprietors will probably be advised, and for their security resolve, to let their house at will, &c., to the Clergy belonging to St. Mary's Church . . . 2ly. Tho the mover of the resolution had probably no such intention, yet it carries on its face an idea, that the priests there living ought to be dependent on the Trustees only for every temporal enjoyment, and the use even of those things which do not belong to the Trustees. 3ly. If these gentlemen claim any right to the property above specified, it must be on the supposition that whatever any one holds, and by whatever title, yet if it was purchased or granted originally for the promotion of Religion, the property must of course vest in them. This is

too glaring an absurdity, and would strip every ecclesiastical community, every parish priest, &c., of their estates. Those who took up, purchased, and improved the property at Philadelphia had to [*no ?*] such idea ; for Trustees were not known or thought of at that time. . . .

C.

On May the 14th, the Bishop making his visitation has not yet had time to examine the manuscript of Rossiter ; and, on June 4th, writes hurriedly, denouncing the attempts of lay-trusteeism, which rendered the infamous Talleyrand, Bishop of Autun, the scandal and destroyer of religion in France.

Finally, on July 13th, 1802, he declares his mind in full to Rossiter, as in the following Number.

Md.–N. Y. Province Archives, Carroll to Rossiter, under cover to Rev. Dr. Carr, letters lv., lvi., lvii., lviii., *1802, Apr. 30, May 5, May 14, June 4. Ibid.*, 42 : Extract from a letter of Bishop Carroll to me, July 13th, 1802, 2½ *pp. fol. ; copy by Rev. John Rossiter.—The names, as given infra, of the two curates, who were the occasion of this discussion, occur in the correspondence.*

No. 59. **1802, July 13.**

Bishop Carroll on the vesting of Jesuit property titles in Pennsylvania and Maryland. *Philadelphia property. On an issue between the Rector, Rev. John Rossiter, and his two curates, Rev. Messrs. Fitzpatrick and Lacy.*

A.

Extracts from a letter of Bishop Carroll to me, July 13th, 1802.

"The lots, on which stand the old chapel, the presbytery and the ground thereto appertaining, are a fee-simple property without any trust thereto attached : they are held by one of the old clergymen, who have been long in the service of the American church, as his private individual property ; and, if his conscience do not restrain him, he may legally convey them to any person in or out of the U. States, capable of receiving a deed or inheritance.

"I have no doubt but the clergyman, who first acquired these lots, had in view the accommodation of himself and successors, having the charge of souls in Philadelphia ; but neither he who first acquired, nor those who have since succeeded to that estate, ever accepted it in trust.

"In those times the Congregations were not called on for the support of their pastors ; and for this reason the heads of the Mission made a point of reserving real and personal property for the maintenance of the pastors as the only assured means of their subsistence.

"This was the policy pursued in Maryland and Pensylvania ; the only States where the Catholick profession was allowed. Hence the property at Philadelphia, Lancaster, Coshenopen, Conewago, &c.

"Whatever property was thus acquired by the predecessors of the Ex-jesuits now remaining was vested absolutely in one of the body, and not in the body itself, this being unknown to the laws of this country: the property descended by will or deed to its present owner.

"It was a maxim of the Society to exercise the spiritual functions, allowed by the Bishops, in entire independence of the laity.

"The members were not permitted to require retributions for Masses or any other services. Hence, as much as possible, they avoided holding property under any legal trust, which might subject their management to any accountability, except to their own Superiours.

"But, however independently of every person the present legal proprietor of the stock, presbytery, and old chapel, holds that property, yet he has no other intention than to leave it for the present applicable to the benefit of the clergymen officiating there.

"You, by my appointment, are his agent, and his property is under your sole management.

"You alone have a right to direct any repairs or alterations in it, unless these should alter essentially the building, or should burden the property with debt; your office of manager is sufficient to authorise you to proceed to the best of your judgement; but in every material step it is becoming to advise with the Bishop or the person in whom the property is vested.

"Hence you must infer, that Mr. – – – pretensions are inadmissible, so far I mean, as he contends for a right to interfere in the temporal administration and concerns of the presbytery and old chapel: and it was over medling in him to bring before the Trustees the subject of alterations in the latter, without your previous approbation.—Indeed, as that property is no wise under the controul of the Trustees, I do not see, why it should be mentioned at all to them, in their corporate capacity.

"This is the summary of my letter:

"1º You are the sole agent for the legal owner of all the property at Philadelphia belonging to the late Society; whether consisting in houses, lots, ground-rents or interest of money in the publick funds – – – [a]

"2º You are under no obligation to take direction from the Trustees or your companions, concerning repairs of the house or economical arrangements.

"3º Whenever you ask their advice, reserve to yourself the right of decision."

Here Rossiter proceeds to draw some inferences, which however are not marked by the same accuracy or lucidity, which characterized the bishop's statements. Having an eye only to the evil in Philadelphia, which both he and Bishop Carroll were combating, that of

(a) *Sic.*

lay-trusteeism encroaching on ecclesiastical rights, Rossiter seems to infer from the bishop's statement about the use of the Society's property for the benefit and accommodation *of pastors in a given mission, that the mission itself so benefited by the Society's property was by right the beneficiary thereof, and not gratuitously so, subject only to the limitations stated above by the General, Francis Piccolomini* (No. 55). *This notion became a dominant factor in controversies for thirty-five years after the date of this correspondence. Having rehearsed the bishop's letter, as just given, Rossiter proceeds to draw the following inferences:—*

B.

I have now only to observe that, from the extracts of the Bishop's letter, it appears to me that clerical property in Philadelphia is of the same nature as the clerical property in this country, in Conewago and other places. It was acquired and is held for the benefit and accommodation of the lawful pastors officiating here and in other places.

That it is exclusively under the control and management of the clergy; and can never be considered as forming any part of the fund or monies, which the congregations or the Trustees of congregations, in the different stations of this diocese, have under their own control or direction.

Endorsed: Copy of a Letter from Arch Bishop Carroll to Rev. Mr. Rossiter.

The Rev. John Rossiter's manuscript, as quoted in the preceding No.; dated July 13, 1802.

It will be seen later that the Jesuits, whose property was considered by Carroll and Rossiter, and afterwards by Bishop Conwell of Philadelphia, to be a reserve and protection for the Ordinaries against the encroachments of lay-trusteeism, were themselves represented to the Roman authorities as being at one with lay trustees in operating against the Ordinaries (Nos. 121, note 3; 130, A, 2°).

No. 60. **1818–1820.**

Archbishop Marechal's statements on the property possessed by the Society before the Suppression and recovered after its restoration. *A report and a pastoral.*

A. 1818.

Archbishop Marechal's first Report to the Propaganda, 1818:

Illust^{o} ac Em^{o} Cardinali Litta, Praefecto S. Congregationis Prop. Fid. . . Verum cum Societas nuper recuperaverit omnia praedia

caeterasque proprietates, quae ante destructionem Societatis a Jesuitis possidebantur, nullum est dubium quin brevi ditissima erit. . . .[11]

Propaganda Archives, Scritture riferite nei Congressi, America settentrionale, vol. 4, *1818–1820:* Ratio status religionis catholicae in dioecesi Baltimorensi reddita ab Ambrosio Archº 1818.—*Georgetown College Transcripts, 1818; 14 ff. 4to;* f. 3, *on Georgetown College: its debts.*

B. 1820, December 14.

Archbishop Marechal's pastoral, 14 Dec., 1820, to the Catholic laity in the Southern Counties of Maryland:

. . . The apostolic men who accompanied your ancestors – – –, according to the laudable spirit of their institute, had hardly landed on the American shore, than they acquired property sufficient to free them from the necessity of requiring any retribution from their spiritual children. The profound respect and tender gratitude, which the Catholick congregations of your counties have constantly entertained for them during their lives and after their deaths, were the only temporal reward they ever received for their labours and indefatigable zeal. Nor do I doubt but their successors, members of the same Society, would act now with the same religious generosity, were they placed in the same circumstances. But, my dearly beloved, the situation of their temporal affairs is unfortunately very different from that of their venerable predecessors. . . .

Georgetown College MSS., Marechal Papers, 1820, December 14, pastoral: Ambrose . . . to my dearest Catholic Brethren of St. Mary's and Charles Counties . . .; *manuscript copy, much decayed, in hand of (Father Beschter?), beginning:* Since the day of my Consecration . . .; *ending:* Was signed, + Amb. Arch. Baltᵉ, Baltᵉ, 14 December, 1820; *4 pages 4to;* pp. 1, 2.

That this letter was actually published appears from the following:—

C.

Charles Neale, 9 December, 1822, to Archbishop Marechal, Baltimore:

. . . If, as it has been said without proof or good grounds, that property had been formerly given to the Society for the benefit of religion, has it not been used for that purpose? Is it not used at present as such? The letter of your Reverence [*the archbishop*] to the different congregations to support their pastors testify [!] in its favour. . . .

Rome, English College Archives, Gradwell Collections, Baltimore and Quebec, f. 10, *in Marechal's copy to Propaganda of Charles Neale's letter to him, December 9, 1822.—Cf. Propaganda Archives*, Atti, Baltimore, *1824*, Sommario, Num. VII.—*Infra*, No. 124, B, p. 492.

[11] *Cf. the Vicar-General of Philadelphia, Louis de Barth, on* the economy of the old Jesuits: No. 109, C.

The statement formulated here (B) *in the pastoral of Mgr. Marechal, 14 December, 1820, agrees with his account to the Propaganda in the same year, August 19. See* No. 115, § 9. *But the assertion which follows next in that account, about "very rich estates" having been acquired by the Society from "pious donors as a perpetual trust for the American Church," and therefore subject to Marechal's administration, is corroborated by no documents, nor by any statements of Carroll. Cf.* No. 49, note 17.

No. 61. **1549, October 18.**

The ultimate and juridical basis of the Jesuit tenure of property. *Civil titles and rights were such as the laws of a country permitted; and, if the corporate character of the Society was not civilly recognized, the titles were vested legally as best they might be. In America they were vested in individuals belonging to the Order. The canonical titles or rights were those conveyed by the Apostolic See; and they were absolute in the Society, exclusive of all interposition or supervision from Ordinaries of whatsoever kind,* quorumcumque Ordinariorum. *Property of any sort, granted, left, and bequeathed by any of the faithful, to the service of the Society's collegiate foundations, was by the very fact of donation perpetually applied and appropriated to such purpose, in virtue of the same Apostolic authority. In the name of the professed Society, the General administered all property in person, or through Provincials, Rectors, etc.*

A.

Paulus Episcopus, servus servorum Dei, ad perpetuam rei memoriam. Licet debitum pastoralis officii. . . . Volumus autem. . . . Et insuper, si contingat Socios ipsos, ut adjuvante aliquo Principe, Duce, Marchione, Comite vel Communitate, vel quavis ad id potenti et facultatibus abundanti persona, aliquam domum, ecclesiam aut collegium Societatis praedictae aedificent et construant, seu id per alicujus similis personae testamentum mandari vel quovis modo eis offerri domum, ecclesias seu collegia hujusmodi; cum omnibus ad id necessariis et opportunis construi et aedificari, ac locum pro hujusmodi constructione oblatum recipi posse; ipsasque domos, ecclesias, collegia, cellas, oratoria, ubilibet per dictos Socios pro tempore constructa vel eis donata, eo ipso quod aedificata vel donata fuerint, apostolica auctoritate praedicta, erecta, approbata et confirmata; ac bona quaecumque, pro collegiorum dote seu scholarium inibi pro tempore commorantium sustentatione, per quoscumque Christi fideles pro tempore donata, relicta et legata, eo ipso praedicta apostolica auctoritate perpetuo applicata et appropriata esse et censeri (nisi alias ad collationem Sedis praedictae pertinerent); et ecclesias praedictas cum coemeteriis benedici aut consecrari facere,[12] ac primum lapidem poni, per quoscumque Episcopos (si dioecesani ultra

[12] *Compare the parallel formulas in the Charter for Maryland:* Una cum licencia et facultate ecclesias, capellas et oratoria in locis infra premissa congruis et idoneis extruendi et fundandi, eaque dedicari et sacrari juxta leges ecclesiasticas regni nostri Anglie faciendas. Archives of Maryland, Proceedings of the Council, 1636–1667, p. 4, *med.*—*Cf.* History, I. § 17 (1), p. 237.

quatuor menses id facere distulerint) posse decernimus; inhibentes omnibus et singulis Archiepiscopis, Episcopis aliisque ecclesiarum praelatis et locorum ordinariis, ac quibusvis aliis potestatibus ecclesiasticis et saecularibus, illis nihilominus mandantes, ne ipsos Socios aut eorum domos, ecclesias aut collegia hujusmodi ad aliquorum requisitionem ex propria eorum voluntate, si id in Domino expediens fuerit, aedificare volentes, quoquomodo in hujusmodi constructionibus impediant, perturbent aut molestent. . . .

B.

As to the persons of the members, with relation to this property: ibid. . . . Ipsamque Societatem et universos illius Socios et personas illorumque bona quaecumque ab omni superioritate, jurisdictione, correctione quorumcumque Ordinariorum eximimus et liberamus, ac sub Nostra et praefatae Sedis protectione suscipimus. . . . Nec ullis praelatis contra aliquem de praedicta Societate vel contra alios, eorum causa, aliquam excommunicationis, suspensionis vel interdicti sententiam, contra ejusdem Societatis privilegia per Nos concessa (quorum interpretationem Nobis et Apostolicae Sedi reservamus) ferre liceat; et, si tulerint, eo ipso irrita nulliusque roboris vel momenti sit et esse censeatur.[13]

Paul III., Bull of October 18, 1549: Licet debitum.—*Cf.* No. 131, 3, note 5.

No. 62. **1728, 12th and 17th February.**

White Marsh: devise of James Carroll. *The name "White Marsh" for "Carrollsburg"*[14] *does not appear either in the designation of the property at large or in the descriptions and plats of any particular parcels. Some thirty years after James Carroll's time that name had somehow become familiar with the Fathers; and it designated apparently the whole or a part of that division of the estate, which lay in Prince George's Co., to the west of the Patuxent (Carrollsburg, etc.), and not Fingaul, Carroll's residence, which with other subdivisions lay to the east, in Anne Arundel Co. A notice of this benefactor's death is the first entry on the inside cover of the old Record book,* L. 1, *in the Md.-N. Y. Province Archives; and it is followed by a similar record of the Father Robert Brooke, S.J., mentioned before, another distinguished benefactor.*[15]

[13] *Compare* No. 139, *Marechal, 26 November, 1826, to Cardinal Della Somaglia: a quotation from this Bull.—Cf. also* History, I. § 5, p. 164, *on the absolute juridical rights of the regular Orders.*

[14] This property [*White Marsh*], formerly known by the name of Carrollsburg, was received from James Carroll, *etc. General Archives, S.J., Maryl. Epist.* 6, ii.: *the Charles Neale—Benedict Fenwick Memorial, 22 November, 1822, addressed to the General,* p. 20. *Cf.* No. 184.

[15] No. 42, note 9.

A.

– – – C – –roll died on y^e^ 13th of Ju– – – – – –ctor Hv– –s Miss^nis^.

James Carroll died on the 13th of June, 1729, at Annapolis, in the house of his godson, Charles Carroll.[16] *The part decayed in the record should probably be filled up in this manner:*

James Carroll died on the 13th of June, *1729, insignis benefa*ctor Hv*jvs* Missionis.

B. 1728, February 12.

In the Name of God, Amen. I, James Carroll of Fingaul in All Hallows Parish, Ann Arundel County, being thro' the Mercy of God in perfect health, do declare what follows to be my last will and testament. . . .

I desire and appoint one thousand pounds sterling of the produce aforesaid be applyed towards the education of my nephew and heir apparent Anthony Carroll, my brother Daniel Carroll's only son, to be laid out in the manner hereinafter mentioned. . . . In case my aforesaid nephew shall dye or prove unsusceptive of learning, or prove incorrigible, or want application in any of the courses aforesaid before he attains to twenty-one years, then it is my will and [*I*] do require my executors to discontinue the application of money to his education; or, if he prove vicious, to also discontinue. In such cases it is my will that the money designed for his education be applyed to the education of my nephew James Carroll, son of my brother Michael, if he shall not exceed sixteen years of age at my death. . . .

It was this article of Mr. James Carroll's will, taken in conjunction with the accompanying dispositions about these two heirs, Anthony and James, becoming eventually joint executors, that occasioned the violent anti-Catholic agitation in Maryland of 1750 and many subsequent years, one of the acting executors having become a defaulter, and in self-defence casting up to these heirs their character of recusants and priests. Both of them at this time had become Jesuits.

After various items and legacies, the will proceeded to the immediate benefactions in favour of the Society. These were put by the testator under cover of the name of Charles Carroll, Esq., his cousin and godson, the faithful friend of the Order, father of Charles Carroll of Carrollton, and one of the acting executors, who is carefully to be distinguished from his namesake, the defaulting executor, Charles Carroll, surgeon, of Annapolis.

[16] *K. M. Rowland,* Charles Carroll of Carrolton, i. 15.

C.

I also bequeath unto my dear cosin, the said Charles, my dwelling place, consisting of two parcels of land containing about four hundred and fifty acres, allso what remains unsold of Bright Seat and Ayno near Patuxent about the head of South River in Ann Arundel County. Allso my lands called Carrolls Burgh, Chenys Plantation, and about sixty acres part of Ridgeleys and Tylers Chance. In all upwards of two thousand acres lying in Prince Georges County.

This estate of two thousand acres, somewhat modified by additional purchases, and by certain sales or exchanges, is what came to be known as the historical "White Marsh" of the next century. The will continues with the confidential trust in favour of the Society:

D.

Also my two lotts lying in Queen Anns Town,[17] and two parcells of land lying near the said town, one bought of Thomas Lancaster, t'other of Turner Wooten, lying in the sayd county. All which I give and bequeath unto the said Charles, his heirs and assigns for ever. Also all my servants and houshold stuff, goods and chattels and personal estate whatsoever and wheresoever and of what denomination soever, not before disposed of in and by this will, unto him the said Charles and his assigns for ever. *Provision for James Carroll, nephew. Executors. See* F.

Five days later, James Carroll, the testator, returns to this entire bequest, reforming it in a codicil, as follows:—

E. 1728, February 17.

The Codicil.

Whereas I, James Carroll of Allhallows Parrish, alias South River Hundred in Ann Arundle County, have by my last will and testament, bearing date the twelfth day of this Instant February, Anno Dom. 1728, bequeathed unto my Cosin, Charles Carroll, a certain part of my estate in trust and confidence, that he would invest therewith my good friend, Mr. George Thorold of Portobacco in Charles Co.; but, through apprehension of the said Charles Carroll's death, I do by this Codicill, which I desire and require to be deemed and taken as part of my last will and testament, confirm and give to the said George what I expected and do not doubt the said Charles would give, pursuant to my intention, if death or other accident did not interpose. Hereby confirming my former will in all respects, except the following clause which I do hereby rescind, annull and make void as to the said Charles, his heirs, executors and administrators. It is thus expressed, vizt.: I also bequeath unto the said Charles my dwelling place: *here the whole passage as above is rehearsed,*

[17] *Prince George's County.*

stating the parcels and items of what denomination soever. All which I gave and bequeathed unto the said Charles, his heirs and assigns for ever. But now by this Codicill do hereby give, devise and bequeath the aforesaid lands, goods and chattles, in as full and ample manner unto the aforesaid George Thorold, his heirs and assignes for ever, as the same are bequeathed to my aforesaid cosin. And do hereby give and bequeath the aforementioned lands and the goods and chattles aforesaid unto the said George Thorold, his heirs and assigns for ever. And, in case of his death before me, then I bequeath the aforesaid lands, goods, and chattles, unto my very good friend, Mr. Peter Attwood of Portobacco aforesaid, his heirs and assignes for ever. And, in case of both their deaths before myne, then I bequeath aforesaid lands and goods and chattles unto Mr. Joseph Greaton, his heirs and assignes for ever. In wittness whereof I have hereunto sett my hand and seal, this 17th day of February, 1728.

JAMES CARROLL (Seal).

Signed, sealed, published and declared as a codicill to his last will, in the presence of us.

John Walch. John O Gallagher his mark. Anth° Carroll.[18]

The will itself ends thus:

F. 1728, February 12.

I appoint my cosin Anthony my heir-at-law and my aforesaid cosin James my joynt executors; and, during their minority and absence, I appoint my kinsmen and good friends, my aforesaid cosin and godson, Charles Carroll, Mr. John Diggs, Mr. Francis Hall, and my cosin Dr. Charles Carroll of Annapolis, executors of my last will and testament. In testimony whereof I have hereunto set my hand and seale, this 12 day of February, 1728, in the presence of the witnesses hereunto subscribed.

JAMES CARROLL (Seal).

Witnesses that the same was signed and sealed and declared as his will in the presence of us

Samuel Chew of Maidstone.
Richard Hill.
William Richardson.
Andrew Tait.

[18] *This Ant. Carroll, witness, is clearly the* cousin-nephew, *described in the will as* now with me, *son of brother Michael; and not the* cousin-nephew *Anthony, heir apparent, son of brother Daniel, a boy not yet of age. The legacy of the former is part of a property* at Pipe Creek. *After the provisions for the boys, Anthony and James Carroll, and stringent provisos to assure a Catholic education for both, the will continues:* I give to my cousins, Dominick, Anthony and Daniel Carroll . . . 500 acres of land each to them severally . . . out of a tract of land called Pork Hall, lying at Pipe Creek; the remaining 980 I bequeath to my sister, Joanna Croxell, and my cosen, Mary Higgens . . .

Md.–N. Y. Province Archives, N, 169–172, *several old copies, much corroded, of the will and codicil.—Stonyhurst MSS., a great volume of "Wills, S.J., etc.;" "Wills of Externs,"* No. 10. *The will is printed in K. M. Rowland's* Life of Charles Carroll of Carrollton, ii., Appendix C, pp. 380–389, *among other Carroll wills of 1718, 1780, 1825.*

This is the will about which, as about other bequests and purchases, it was contended later, that the property was never meant for the Society, nor ever rightfully appropriated by the Jesuits; that it was a trust for other parties, not yet indeed in America, nor as yet in existence, nor ever connected by birth or business with the actual donor or the vendors antecedent, nor claiming to be heirs and assigns *of Thorold, Attwood, or Greaton, but still claiming a right to be substituted for the donees of one hundred years before.*[19]

No. 63. **1728–1776.**

Subsequent history of James Carroll's legacies to his nephews, Anthony and James, both Jesuits. *The education of James Carroll, Jun., son of Michael, was provided for by his uncle's will. Particulars of his expenses at St. Omer's appear in the English procurators' accounts. He entered the Society in 1741, and died at Newtown in Maryland as a Jesuit missionary in 1756, at the age of 39. Anthony, the heir-at-law of James Carroll, Sen., entered the Society in 1744, at the age of nearly 22. He had been educated at St. Omer's, and thenceforward had large remittances sent to him by Mr. Charles Carroll, from which or from other funds in his name there were provided regular annuities for his sisters, Mrs. Margaret Biggs and Mrs. Mary Ashton; as well as appropriations for the benefit of St. Omer's, nearly £400 being assigned to that purpose at one time, 8th May, 1754. His nephew Ashton, a Jesuit, the future Father Ashton of Maryland, was provided with an annuity in 1765. Then in 1772 Father Anthony sent a power of attorney to Father John Ashton in Maryland, enabling him,*

A. **1772, May 2.**

by all lawfull ways and means to recover and receive . . . from the executors of the last will and testament of his . . . late uncle, James Carroll, late of Fingaal in Allhallows Parish in Ann Arundel County in Maryland . . . all such sum or sums of money as now is . . . owing and

[19] No. 115, § 32: Notorium est namque omnibus illud [*praedium White Marsh*] fuisse non ita pridem ipsorum [*S.J.*] bonae fidei commissum a pio donatore Jacobo Carroll ad generalem ecclesiae Marylandiensis utilitatem. *Marechal, 19 August, 1820, to Card. Fontana, Prefect of the Propaganda.*

payable for principal and interest upon and by virtue of a legacy of one thousand pounds bequeathed unto him, the said constituent, by his late uncle in and by his last will and testament.

Two years later, after the Society had been suppressed, he made some arrangement regarding a £28 sterling life annuity of his charged to the account of the old St. Omer's College now transferred to Bruges, and conducted still by his ex-Jesuit brethren. This was on the 23rd of April, 1774. With this benefaction of Mr. Anthony Carroll the following resolution probably was strictly connected. It was passed at the first congress of the English ex-Jesuits, who set the Maryland ex-Jesuits the example of forming themselves into a Body of Clergy *acting through a Chapter.*

B. 1776, May 6.

Die Lun. Maii 6, 1776 . . . . 46. Resolved that the sum of £250 be paid to Mr. Ant. Carroll, in full of all demands upon the [*London*] office, contained in a petition presented by him to this assembly.

Then, voyaging to Maryland in the same spring, he "happily finished a business he had to settle in these parts," as Father Farmer expressed it,[20] *and returned to spend the rest of his life in England, where he died by violence, London, 5 Sept., 1794.*

English Province Archives, Ledger B, pp. 29, 30, *Anthony Carroll, 1753–1769. Ledger* Wn, *Maryland Accounts*, pp. 95–108, *Mr. Ant. Carroll, 1748–1754. Liège College Day-book* E, *1731–1735.—Ibid., MSS.* Ex-Jesuits, *etc.*, vol. 2, *ad init.*: *Acts of the 1st Congress, April 29, seq., 1776.—Md.-N. Y. Province Archives, (b) White Marsh, certificate of the Lord Mayor of London, etc., on behalf of* Mr. Anthony Carroll of the City of Exeter of the county of Devon, Gentleman, *executing and delivering a* Letter of Attorney hereunder annexed, *in favour of* Mr. John Ashton of Elkridge, in the Province of Maryland, Gentleman, *2nd May, 1772.—Stonyhurst MSS., MS.* B, iii. 15, No. 12, *similar power of attorney to Mr. Thomas Berington, 23rd of April, 1774.*

No. 64. 1729, June 19; 1737, June 16; 1805.

Father George Thorold's two wills. *Both wills make mention of Thorold's own manor, but do not say what he did with the proceeds. The second of 1737 which was operative in the future, created an entail that was never intended and exposed the property to an escheat in 1805.*

A. 1729, June 19.

Maryland Ss.

In the Name of God, Amen. I, George Thorold . . . do make this my last will. . . . In primis, whereas I've formerly sold the maner of

[20] *Md.-N. Y. Province Archives, 1775, June 13, Ferd. Farmer, Philadelphia, to* (. . . ?).

Little Benton in Lincolnshire to the Right Hon^ble^ Lord Cardigan, to him and his heirs for ever, by a deed duely exicuted, I do hereby confirm the same, and give and bequeath unto the sayd Lord Cardigan and his heirs for ever all the sayd manner of Little Benton, with all apurtinonces thereunto belonging, in as full and ample a right and title as I myself had unto the same.[21]

Item. I give and bequeath all my estate both reall and personall, that was given and bequeathed unto me by my very good friend Mr. James Carroll, late of Anne-Arundell County, unto Mr. Peter Atwood of Charles County, to him and his heirs for ever; and, in case of his death before mine, then I give and bequeath all my sayd reall and personall estate, bequeathed to me as before mentioned, unto my good friend, Mr. Francis Floyd [*S.J.*], to him and his heirs for ever. . . .

Father Thorold makes Father Attwood his whole and sole executor, and signs, seals, and publishes the said will, in presence of James Whitgreave (S.J.), Giles Lebedy, and Thomas Gilpen, his mark, *under date of June 19, 1729. Eight years later, both Attwood and Floyd are dead; the four witnesses of the second will are the Jesuit missionaries, James Whitgreave, Robert Harding, Arnold Livers, Junr., Vincent Philips; the property is the same with the same reservation as before; the line of descent, however, is limited thus, that he bequeathes all the said property to Richard Molyneux of Charles Co.;*

B. 1737, June 16.

but, in case of his death before mine, or his not having disposed of it before his death, either in whole or in part, then I give and bequeath my said estate, both real and personal, or the part remaining a[*s*] abovesaid undisposed of, to my well beloved friend, James Guin [*Quin*] of Queen Anns County, to him and his heirs for ever. . . .

The same Richard Molyneux, or, in case of his death, the said James Quin, is left whole and sole executor, under date of June 16, 1737.

Md.-N. Y. Province Archives, F (G); *original will of 1729; true copy of 1737.*

According to the spirit, but not the letter, of this devise, Richard Molyneux succeeding in due time to the title of the property, bequeathed it, not to James Quin deceased, but to George Hunter, through whom the Maryland Corporation of ex-Jesuits thought they possessed it. But, on May 29, 1805, Philip Hammond, defendant in an issue about White Marsh as against the

[21] *Cf.* No. 51, note 5.

Corporation, took exception to the validity of the devise from Richard Molyneux down; and the Court sustained the exception.

C.

The Corporation of the Roman Catholic Clergymen's Lessee
vs
Philip Hammond.

1805, May 29.

Part of Exception N° 2.

Whereupon the defendant by his counsel prayed the opinion of the Court, and their direction to the jury, that the will of Molyneux did not operate to pass a fee simple estate to Hunter the devisee in the said will named, so as to enable him to devise the same by will; but that, on his death, the fee simple estate in the land called Ayno, in the declaration named, did pass by virtue of Thorold's will to Guin and his heirs; which opinion the Court did accordingly give. *The Court admitted the bill of exceptions.*

Ibid., (*b*) *White Marsh, authenticated copies.—As to the escheat, see* No. 165.

No. 65. **1732, February 1.**

Another Jesuit Brooke's patrimony: Brooke's Grove Landing.[22] *Father Ignatius Brooke authorizes Father Peter Attwood, by letter of attorney, dated the 1st Feb., 1732, from Sheffield, Yorkshire, England,*

to enter into . . . all my messuages, lands, tenements and hereditaments, comonly called Brooke Grove Landing, lying and being on the Western Branch of the Patuxent River in Mary Land aforesaid, and to grant, sell and convey *the same to any who shall give the best price or prices. Witnesses: Ben. Blackburne, H. Battie. Signed: Ignatius Brooke. The latter describes himself:* I, Ignatius Brooke, of Sheffield in the County of Yorke, within the Kingdom of Great Brittain, Gentleman.

Md.-N. Y. Province Archives, (*b*) *White Marsh; original letter of attorney, with three* vi. pence *inland revenue dry-stamped in the paper.*

No. 66. **1740–1779.**

Joseph Gates's gift of landed property in Maryland. *This gentleman seems in the first instance to have bound over his property for the service of the missionaries under the obligation of a bond to them; then in due time to have discharged the obligation. The quantity of land was 867 acres, of which certain parts mentioned as still being Jesuit property at the beginning of the eighteenth century amounted apparently to 400 or 468 acres. They were named Gates' Hope, Gates' Purchase, Maidstone, and New*

[22] *Cf.* No. 42, B.

Brandford. In 1779, Jan. 5, a portion of Gates's land was sold by Father Bolton.

A. 1740, November 4.

Obligation, £300 sterling, to make over the following land: Gates's Range, containing by patent eight hundred and [*sixty-seven*] acres, lying in Charles County, and whatever other land he may lay right or claim too in the abovesaid County . . . 4th day of November, Anno 1740. *Signed:* Joseph Gates.

Witnesses: Richard Archbold, Robert Harding, Arnold Livers Signor [*scil. Senior, father (?) of Arnold Livers Junior, the Jesuit*].

Endorsed: Joseph Gates's bond for making over his land, with papers included relating to the said land. *In pencil:* To Thomas Pulton.

The papers do not appear in this place, and the document itself is torn.

Md.-N. Y. Province Archives, N; *original bond, fol. sheet.*

B. 1750, November.

Mr. Hunter,

S^r^ I have droan out part of a tract of land called Hunt's Venture: five lines of explanation, with the plat, which contains the phrase: thence to a bounded beech that I proveed for my Brother in Law, Peter Carricio, belonging all so to Maidstone, and from thence to an old locospost. *Here follow the lines, etc.*

In Father Hunter's hand: Nov. 1750. Jos. Gates.

Endorsed by Cary [?]: Plate of Hunt's Venture in St. Mary's.

Ibid., plat of Hunt's Venture in St. Mary's, addressed to Father G. Hunter, and inscribed by him with the date and Gates's name.

C.

Memoranda concerning Gates's land.

The patent or certificate of David Drivers' land (now in possession of Anderson, son of Jn. Anderson, who escheated the above land of Drivers about the year 1721 or '22) calls for a white oak tree of Gates's Hope, which if made out would recover about 18 acres. David Drivers' land was taken up between the years 1668 and 1688.

Gates's Hope was taken up in 1668, and New Brandford in 1688. Gates's Hope, 150 or 200 acres, if the above boundary can be proved.

Gates's Purchase, 30 at first, by vacant land taken up afterwards made it 60 acres.

Maidstone, 20 acres.

New Brandford, 170 acres.

(b) Certificates of the bounds and courses of each tract to be gott from Annapolis—of the courses of each, viz. of Gates's Hope, New Brandford, Gates's Purchase and Maidstone.

(b) *What follows is a distinct note, same fo.*

Messrs. Miles, Mudd and Bro. Jos. all agree on the beginning tree of New Brandford.

Maidstone boundarys are known to Wm. Hagan, Peter Carico, Billy Brien and their children.

Ibid., 12mo slip: note by Hunter.

Ibid., W. Stuart, clerk, supplies a true copy, from Lib. No. 22, fol. 323, *on a* ½ *p. 4to, of the lines of New Brandford, between Centerberry, Gates Hope, David Drivers, to a bound upon* the Coach Road that goes from St. Mary's to Major Trowmans, *containing 375 acres, as surveyed for Robert Gates, Jan. 27, 1686.*

D. 1758, August 15.

Rd. Sr.

This accompanys the Baltimore County Saint, who waits upon you in order to settle his affair. He begs you'll take care to do his business in the safest manner, that he may be put to no farther trouble. I would not have my name put in any of the deeds. I think Mr. Neale [*scil. Bennet Neale, S.J.*], and some one else in case of his death, will be more proper. I need not recommend Mr. Kingdone to your care any more, as I am persuaded you'll omitt nothing in your power to make his passage agreeable to him.

I am, Rd. Sir, Your humble servant,

Aug. the 15, 1758. T. Digges.

Endorsed: Rd Mr. Digges, 15 Augt 1758. Bills of Exchange, 3d [?] 4sh etc.

Note scribbled, ibid.:

William Hagan	2d	10.	0.	0
	1	8.	0.	0
	1	50.	0.	0
	1	6.	0.	0
Marmaduke Semmes [?]	2	22.	0.	0
Mr. Kingdons	2	5.	0.	0
	2	10.	10.	0
Mr. Boarmans	2	20.	0.	0

Ibid., Bb, *letter of Father T. Digges, Aug. 15, 1756, to* Rd. Mr. Ashby at Portobacco, By Joseph Gates, *with memoranda scribbled on the back:* Bills of Exchange, *etc.; 1 p. fol.*

As appears from the English Province Archives, Ledger Wn, ff. 31–34, f. 142, *Maryland Accounts, and other particular accounts, these bills of exchange are sent over to the credit of children at school in St. Omer's and other houses; but that of Father Kingdon's is to defray his expenses on the voyage with Father George Hunter to Maryland, in 1759.*

E. 1779, January 5.

1779. Janry. 5. [*Portobacco Creek:*] By Rd. Bolton for part of Gates's [?] land sold to Clem. Mudd—£300 currency, 2 hogshead tobacco 2043 crop at £10 ct [?] £206 0. 6. .. .. 500. 6. 0 [!]

Md.-N. Y. Province Archives, carton DB, *G. Hunter and alii, day-book* 2, f. 31.

No. 67. 1744.

A portion of the Longford estate, inherited by Father Gilbert Talbot (*alias* Grey), 13th Earl of Shrewsbury. *The General approved of assigning some portion of what was realized by the English Province to the purchase of land in Pennsylvania. How much either the assets amounted to, or the quantity assigned to America, does not appear. The succession of the Jesuit to the Longford estate of his first cousin, John Talbot, was disputed by the members of Father Talbot's own family, on the ground of his being a Jesuit. In one issue of the litigation, that of Father Talbot's executor, Mr. Maire, versus Dillon, the defendant speaks of John Talbot's estate being worth in personal effects, £30,000 sterling, and in real property, £5000 sterling a year. The result of all the litigation was a compromise, which the General characterized to the Provincial as* non aequum, tolerabilem tamen, *not what equity demanded, but what the Fathers might put up with. And then the General approved highly of the allotment proposed, towards purchasing real estate in Pennsylvania, and affording relief to Pennsylvania affairs by such a contribution.*

A.

The General Francis Retz, to the Provincial Shireburn, Feb. 8, 1744. See above, No. 7, T³.

B.

Same to same, May 2. See above, No. 7, U³.

C.

Same to same, May 23. See above, No. 7, V³.

Anglia, Epistolae Generalium, 1744, 8 Feb., 2 Maii, 28 Maii, General to Father Shireburn, Provincial; the text as given in another place: Letters of the Generals, No. 7, T³, U³, V³.—*The Westminster Diocesan Archives, bundle 1741–5:* The Answer of Mary Dillon, wife of Francis Dillon of the City of London Merchant, to the Bill of Complaint of John Maire, Esq., Complainant, 8 *ff.*

In this arrangement there is a remarkable circumstance, that the scholastic house of studies (Liège), which is among the very first cares of a Provincial, is made to take the second place with reference to a couple of foundations outside of Great Britain, one of them a continental boarding-college just begun at Boulogne-sur-Mer, the other a collegiate foundation barely commenced as yet in Pennsylvania.

No. 68. 1745–1756.

Legacies in money. *These seem to have been very few and small. Specie was always scarce in the plantations of Maryland, and not abundant in the Pennsylvania farms. We find traces of three or four money bequests.*

One bequest intended was that of Edward Digges, who ordered 1000 acres of land to be sold by his executors, and half of the proceeds to be given to Mr. Thomas Mansell, Priest, as soon as the same can be sold. *This was before 1724.*

A bequest of £10 is mentioned below[23] *as left by James Heath (1745) to the resident priest at Bohemia.*

Another is the subject of a letter of attorney, sent by Father William Wappeler of Germany, lately inhabitant of the province of Pennsylvania in the County of Lancaster, *appointing Father Theodore Schneider of Philadelphia Co. in Pennsylvania, gentleman, his true and lawful attorney,*

in my name, and to my use to ask, demand, recover and receive of and from the executors of the will of Charles Gallagher, deceased some years ago in Virginia, the sum of ten pounds Virginia money, bequeathed unto me by the said Charles Gallagher . . . Oct. 1, 1754.

A fourth money bequest is that of John Dixon, whose will, dated Philadelphia, Jan. 6, 1756, leaves Robert Harding heir to all the residue and remainder of my estate, *and bequeathes to Theodore Schneider twenty pounds.*

Md.-N. Y. Province Archives, H, 181º, *authentic copy of seven lines from Edward Digges's will, with extract of the will by which his father-in-law, Col. Henry Darnall, left him the 1000 acres. Thomas Mansell died in 1724. Ibid.,* P, *W. Wappeler's letter of attorney, Oct. 1, 1754:* Testes, Henry Carroll, Walt. Hoxton, *original, signed and sealed by himself, on paper with the water-mark "Auvergne." Ibid.,* H, 159º, *will of John Dixon.*

No. 69. 1748.

Father Robert Knatchbull's devise of lands in Queen Anne's Co., Maryland, and all other property.

A. 1748, July 22.

Robert Knatchbull of the parish of St. Giles in the Fields in the County of Middlesex, gentleman, constitutes Richard Bennett of Queen Anne's Co., Md., Esq., and Richard Mollineux of same place, gentleman, true and lawful attorney and attorneys jointly and separately, to enter upon and

[23] No. 83, p. 285.

take possession of all those the messuages and five hundred acres of land, lying in Queen Anne's County, all which premises descended and came to me upon the death of Mary, the wife of James Tuit of Maryland aforesaid, gentleman, without issue ; and to enter upon . . . all other the messuages, lands and tenements in the said County or elsewhere in Maryland aforesaid, whereof I am intituled upon the death of my said sister . . . by virtue of or under a conveyance, made in or about A.D. 1739 or otherwise. . . .

Witnesses : James Hynes. *Signed :* ROBERT KNATCHBULL.
W. Havers.

July 22, 1748.

Md.-N. Y. Province Archives, (b) White Marsh ; original letter of attorney, July 22, 1748.

Immediately afterwards the same young Father, at that time 32 years of age, made a will in favour of Father Richard Molyneux, devising all his property to the service of the American Mission.

B. 1748, October 8.

In the Name of God, Amen. I, Robert Knatchbull of Maryland in the County of Queen Anne . . . do make . . . this my last will and testament. . . . Thirdly, I give, divise and bequeath all my goods, chattles and estates, both real and personal whatsoever and wheresoever, and all and whatsoever else, whereof I have any disposeing power, to my good friend Richard Mullineux of Portobacco in Maryland, his heirs, executors, administrators and assignes ; and I do nominate and appoint him the said Richard Mullineux sole executor of this my last will and testament. In witness whereof . . . this eighth day of October . . . 1748.

Signed and sealed : ROBERT KNATCHBULL.

Witnesses : John Foss.
Joshua Duckworth.
John Weatheril.

Stonyhurst MSS., Wills S.J., No. 18º, *Oct. 8, 1748.*

In 1797 the Corporation of ex-Jesuits authorized Father Bolton, one of their number, to dispose of the lots in Kings Town, Queen Ann's County, agreeably to contract formerly made. *After a similar resolution in 1802, the Board reported progress in 1803. Finally, in 1804 and 1805 a sale was effected to John Quinby, conveying to him the tract of land called Poplar Hill, otherwise called the* Church lots in Kingstown.[24]

[24] *This property in Kingstown, Queen Anne's County, E.S., is not the same as the lots and parcels in and near* Queen Anns Town *bequeathed to Father Thorold by James Carroll,* No. 62, D. *The latter was a district in Prince George's Co., on the Patuxent. Compare* No. 183, *on Mr. Lynthicam's Plantation.*

Md.-N. Y. Province Archives, Proceedings of the Corporation, *1797, Sept. 4*, 7º ; *1802, Oct. 13*, 13º ; *1803, May 24*, 5º; *1804, Dec. 10*; *1805, July 9*, 3º

C. 1804, December 18.

Indenture between John Carroll, Leonard Neale, Bitouzey, Plunket, H. Pile, Trustees of the Corporation of the Roman Catholic Clergymen on the one part, and John Quinby of Queen Anne's Co., on the other part. For £35 current money they have herewith sold to Quinby for ever all that tract or parcel of land called Poplar Hill, more generally known by the name of the Church Lots in Kings Town, that now remains the property of the said Trustees, *except the graveyard, which is to be considered as the property of the Roman Catholic Clergymen for ever*, together with all houses. . . .

Witnesses: Will. Matthews.
Enoch Fenwick.

No other signature; but the witnesses acknowledge it for Quinby, before justices, Washington Co., Columbia, Dec. 18, 1804.

Md.-N. Y. Province Archives, (*b*) *White Marsh; original indenture.*

No. 70. 1740–1874.

Sir John James, and his foundation for Pennsylvania missionaries.

There are two original statements of this fund: one from Bishop Challoner himself, the first recipient of the income and of the capital; the other from the Jesuit procurator in London, about the time that the portion due to Pennsylvania began to be paid. The will of Sir John James was made on the 15th of May, 1740; the testator died on the 9th of December, 1741. His estate being kept in Chancery for some seven years, no proceeds were paid till 1748; and then the legacy of £4000 sterling having been saved by James Calthorpe from the general wreck of the charitable bequests in the will, payments began to be made by a Mr. C. *to Bishop Challoner, and the fund of £4000 was itself received by the bishop in February, 1750/1. From that time forward till the proceeds were asked for* in commendam *by the Bishop of Philadelphia, in 1823 or thereabouts, the account of the fund stands out clearly in the books of the Westminster Diocese and in those of the Jesuit London procurators, and, where the diocesan records fail to report, those of the London Jesuit office and of the Jesuit Corporation in Maryland carry on the history with sufficient distinctness. A statement of the amount paid annually to Pennsylvania Jesuit missionaries may be seen entered in Father*

George Hunter's report to the Provincial Father Dennett, dated July 23, 1765.[25]

A. 1748–1874.

The account of Sir John James' Fund begins in Bishop Challoner's Ledger (p. xliv.), from Michaelmas, 1748. The Bishop there states that the capital was £4,000, of which the income was to be applied thus: "£40 [*a year*] for 2 Priests for London to assist the poor," and "the rest for y^e^ Jes^ts^ for Missioners in Pensilv. (not comprising him that was before established in Philadelphia)." The Bishop adds that the executor kept back all income till Michaelmas, 1748. In Feb. 1750/1, the £4,000 capital was received, and with it were purchased £4,000 East India annuities, 3½ %. In 1752, £2,000 of the East India 3½ % were sold; and the proceeds were invested at Paris in actions of the French India Company. At Christmas 1755, the East India 3½ % were reduced to 3 %. In 1760, the interest of the French investment was greatly reduced; and, in 1764 and '65, £400 of the £2,000 East India 3 % were sold for the purpose of "nourishing" the French actions. At the close of Bishop Challoner's account in 1780 (p. cxxix. of his Ledger), the capital consisted of £1,600 East India 3 % (bearing interest £48 a year), and 17 French actions (the interest of which in 1780 was £79. 10. 0): total interest £127. 10. 0 a year. The books containing the account from 1780 to 1819 I have not found. Much of the French portion of the capital was, it is likely, lost at the French Revolution. In 1819, the capital consisted only of £1213. 18. 3, 4 %, and £1700 Reduced 3 %. The 4 % were afterwards reduced to 3½ %; and, in 1838, the capital was divided thus:—£1333. 6. 8 of the Reduced 3 % were set apart to provide the £40 a year for 2 Priests in London; and the rest (£1213. 18. 3 Reduced 3½ %, and £366. 13. 4 Reduced 3 %) became the capital of the Pennsylvania Fund,—interest £53. 9. 8 a year. In 1874, when the capital (all consisting then of Russian stock, viz. £1110 5 % of 1822, £200 5 % of Moscow-Jaroslaw, and £300 4½ %) was sold, and its proceeds paid to the Bishop of Philadelphia for re-investment by him, the annual interest of the Pennsylvania Fund was £79.

W. A. JOHNSON, April 9, 1891.

Westminster Diocesan Archives, Bishop Challoner's Entry-book or Ledger, p. xliv. *segq.*; *Ibid., large ledger*, p. 221, *Pennsylvania Fund, statement by Mgr. Johnson (now Bishop of Arindela), dated April 9, 1891. Ibid., note addressed to the same Diocesan Treasurer, then Canon Johnson, by the Rt. Rev. James E. Wood, Bishop of Philadelphia, 31 July, 1874, acknowledging the receipt of* £1790.3.4, covering the capital and interest accrued on "Sir John James Fund (1748) for the support of Missioners in Pennsylvania," *with the assurance that the Fund will always be applied to* the original purpose. *Ibid.:* A copy of this paper, with some slight verbal alterations, was sent to Archbishop Ryan of Philadelphia, Sept. 5, 1895. *Cf.* American Catholic Historical Researches, v. 182, 183.

[25] No. 106. *Cf.* Nos. 110, B; 150, K, L, H²–P².

B. 1751, 1752.

1751. Nov. 4. . . . Memd. Mr. Chaloner has in trust £4,000 S^r J. James's legacy, placed in $3\frac{1}{2}$ per cent. I. Annuities, which produce £140 a year, whereof £40 is for 2 MM [*missionaries*] in London, the £100 remainder for the Pensil : M – – n [*Pennsylvania Mission*], for English or any not settled there before the Testators death.

[*Nov.*] 23. Mr. Scheneider. By received of Mr. Chaloner to pay his bill .. .. £20. 0. 0. . . .

1752, Feb. 28. By received of Mr. Chaloner £300/0/0.

English Province Archives, Day-book P, *1751, Nov. 4, seq.—Cf. Md.-N. Y. Province Archives, Carton* DB, *G. Hunter et alii ; as, for instance :* 1775, March 1. To the salarys of 4 German Factors, £20 sterl^g, i.e. £80 sterl^g : curr^y, 133 : 16 : 8, sent ℔ bill this day to Rd. Farmer, Phila.

C. 1735, July 12.

In the same books there is a reference to Mr. Jno. James.

1735, Jul. 12. Of Mr. Jno. James his note to Mr. Maire dat. 28. Jun. on Mr. Swinburne's acct. .. £70.

Ibid., Day-book H, Accepta.—*Cf.* Records of the American Catholic Historical Society, ix. 195–209. The Sir John James Fund, *by Martin I. J. Griffin.*

No. 71. 1759, February 28.

A Hunter legacy. *While Father G. Hunter was in England on one of his trips, we find an entry to the following effect :*

1759, Feb. 28. Creditors by Cash. Sadlair [*i.e. the Provincial's office*] by Mrs. Hunter at Hogstraet [*a Carmelite convent in Flanders*] £50 received of Mr. Geo. Hunter £48/17/9, the Rem^r of her Legacy of Liv. 2200 from Mr. Metcalf and 25/5/4, the Contents of Mrs. Mathews Maryland Bill to carry Int^t from this date at rate of 4 % : £124/3/1.

English Province Archives, Day-book P.

No. 72. 1763–1770.

The Joseph Semmes patrimony in danger. *On Father George Hunter's next trip to Europe several cases of Maryland patrimonies were referred to him, one that of Charles H. Wharton at Liège, who gave a letter of attorney to Father John Diggs in Maryland ; another, that of Joseph Semmes, also a young man at Liège, and some ten years in the Society. The will of his father, Joseph Milburn Semmes, under date of Aug. 25, 1763, devised 100 acres of the land called Leitchfield Enlarged to his (married) daughter, Eleanor Adams, and*

A. 1763, August 25.

he gave unto his three daughters, Mary Ann, Martha and Teresa, all his lands and tenements whatsoever (except the 100 above mentioned) to be equally divided amongst them, his said three daughters, their heirs and assigns for ever; and he declared his will to be that, if either of the said three daughters should dye in their nonage or without lawful issue, then and in such case their part of land [*was*] to fall to the two surviving sisters; and he appointed the said daughters, Mary Ann and Martha, joint executrixes.

Five years later, Mary Ann died without issue (5 Nov., 1768). At the same date the two others, calling themselves late of Charles County, now of Liège in Germany, *constituted severally their brother Joseph heir and sole executor of each. All the circumstances seem to show that the three sisters were nuns; and, as both of the survivors are at Liège, and make their devise precisely at the time of their eldest sister's death, possibly all three were canonesses of the Holy Sepulchre there. Joseph observes that their wills could take effect only with respect to personal estate; for, as to the real estate, he was by his father's will residuary heir-at-law of all. Then followed the issue, as Joseph stated it, on Feb. 16, 1770, in a letter* for Mr. Hunter, London.

B. 1770, February 16.

Now I should be glad to know, whether Ignatius Adams has any intention of depriving me of the estate, or whether he only meant to dispossess Thos. Semmes of the house and lands, as having taken possession thereof before the arrival of the deeds. If he intends to deprive me of the estate, I should be glad to know, what it is he goes upon in order to that end: perhaps because I am a Catholick, and so is his wife and children: perhaps because I am a Preist and Jesuit, and that is impossible for him to prove; which nevertheless he must do, since a man is always supposed innocent, till he is proved guilty. Your own good sense and prudence, Sir, will make you cautious in allowing anything, since he is to be put upon the proof of all he advances. I remain sincerely

Yours

Jos. Semmes.

P.S. I shou'd be very glad, if you wou'd be pleased to desire the Gentleman you take counsel of, if he be not Mr. Maire, to speake to him concerning the affair in question, since he is already acquainted with the Case.

Md.-N. Y. Province Archives, 1763–1770, letters and documents going with Father G. Hunter to Maryland, 1770. Ibid., 1770, Mar. 21, H. *Hemersby, London, commending Hunter to Gov. Eden. Ibid.,* H, 160, *3 pp. fol. copy of J. M. Semmes' will, etc.; a large fol. sheet of queries and lawyer's answers on the case: a 4to sheet, the letter of Joseph Semmes, Liège, Feb. 16, 1770, to Hunter in London.*

After the restoration of the Society, property was bequeathed by Father Joseph Semmes, then working in England, to Father Stone, Provincial of the revived English Province. The principal of a Semmes fund or donation was in the hands of Father John Ashton, of Portobacco, who, according to the decision of arbitrators between himself and his old religious brethren of Maryland, was indebted to them for interest between 1795 and 1813, to the amount of 9062^{00}.[26]

C. 1813, September 14.

John Ashton, Portobacco, 14 Sept., 1813, to the Trustees of the Corporation. He desires that another committee be appointed to determine what interest shall be charged on the donation of Mr. Semmes, or 20 ℔ Cce. (?) *on property sold here* [*him?*]. The amount is 9062 Dol., as near as I can ascertain, from the year 1795. *Obscurity of the subject:* Demands are made for lands sold or not to be found, yit [?] inserted in the deed of conveyance to Ths. Semmes. *An arbitration or a law-suit. A bond of indemnification must be given to Ashton*, before I can oblige myself to pay the donation with interest. *He is willing to refund the capital. The remainder shall be paid shortly. He has remitted a considerable sum. The previous committee did not agree.* Paid 250 Dollars.

Md.-N. Y. Province Archives, Ashton Papers: Ashton from Port Tobacco, Sept. 14, 1813.—Cf. Devitt Papers and Transcripts, pp. 174–178.

No. 73. 1764, October 8.

The Thomas Shea life-annuity. *By indenture, dated Oct. 8, 1764, Thomas Shea of Baltimore Co., or, as it was afterwards called in that section, Harford Co., made over to Bennet Neale, for the consideration of five shillings current money of Maryland, two tracts of land, the one called Thomas's Beginning, lying on the south side of Deer Creek, laid out for 50 acres of land, the other called the Addition to Thomas's Beginning, lying on the east and west sides of Deer Creek, laid out for 65 acres of land more or less, reserving one-half acre* where the Burying Place now is, *for himself and family,* as he shall think proper. *Signed:* Thomas Shea, his mark; *witnessed by John Harris and Ignatius Wheeler, and recorded, Oct. 18, 1764. It was stated in later information that this seeming gift was hampered with the condition of a life-annuity, to the extent of Shea's being supported by*

[26] *Cf.* No. 162, P.

Father Bennet Neale during the rest of his life. The land was unimproved. And, as Bennet Neale's original purchase there, some 14 years earlier, of 18 acres from Henry Beech, part of a tract called Maiden's Bower Secured, had cost him £15 Maryland currency, these 115 acres of Shea's would be worth at the same rate about £96 currency. Now, as the rate of profit issuing from a capital of £96 currency could under no form of investment, and least of all that of unimproved land, contribute more than a fraction to the maintenance of a man, it is clear that what was nominally a donation of Shea to Neale was really a charity of Neale to Shea. On this account, and still more because this case of Shea's indenture furnished the basis for a great moral test-case in the future, we defer the full statement of it to the next § 8.[27]

[27] No. 84.

§ 8. The College Foundation in Maryland, *resumed*—1727–1780.

This next period witnesses a further development of the policy heretofore adopted of rendering the property as secure as possible in the service of religion. New precautions were taken against the many accidents to which land was exposed, when it was held, not by any corporate body, unchanging and immortal, but by individuals in their own names. England at this epoch furnished only too many striking illustrations of the success which attended the lawless claims of legal heirs. The safeguard now added was that of heavy bonds given by the persons invested.

Another important element which appears is the case of an estate, which being claimed later, like so many other pieces of property, exhibited a distinct specimen of a new title invented and put forward; not that of a reversionary right to the property, vesting it in other people than the Jesuits; nor again that of lay trustees coming forward, as being in control by the very nature of the case, and taking charge of the clergy; but the simpler claim of direct possession by the laity from the first, through the donor's original dedication, whereby the Jesuits were merely trustees for the laity. This was the case of Deer Creek, a part of which came from T. Shea.

No. 74. **1737–1761.**

The system of wills and bonds prescribed. *Ordinance of the Jesuit Provincial. Bonds executed.*

A. 1759, April 2.

8. The better to preserve from danger our lands and settlements, all must carefully make their wills; and, to render them still more secure, must make the said wills in favour of one only person that shall be signified to them. This being done, the said person appointed for it as above, and in whom all will thus centre, must make his will in due form according to the laws of the country in favour of two or three of ours; and at the same time shall bind himself in a bond of £40,000 to be levied upon his whole estate or estates, provided he should, contrary to this ordination, make a

will in favour of any other person; and due care must be had to deposite the above will and bond in two separate houses of ours, and not in the hands of the person who made them. If time permits, 'tis the then being Provincial must name the person in favour of whom the aforesaid wills are to be made, in order that all our estates and effects may centre in one; as allso to name those in favour of whom that person shall make his will and bond as above. But, in case time will not allow to apply to the Provincial, the Superior of the Mission, or his Consult, or both togeather, must name the persons, and see the above mentioned will and bond regularly executed, signifying after to the Provincial what has been done.

The Ordinations *of the Provincial, Father Corbie, 1759*, No. 8. *See* No. 56, p. 241.

Twenty-two years prior to this ordinance, Father Thorold had executed the following bond in favour of Fathers Philips and Farrar, Father Attwood being dead. The date is Aug. 31, 1737, two months and a half after Thorold's second and final will (No. 64, B).

B. 1737, August 31.

Maryland Ss.

Know all men by these presents that I, George Thorrold of Ann Arrundell County in the province of Maryland, gentleman, am held and firmly bound unto Messrs. Vincent Philips and James Farrar in the just and full sum of five thousand pounds sterling, to be paid unto the said Vincent Philips and James Farrar, their certain attorney, executors, administrators or assigns: to which payment, well and truly to be made and done, I bind myself, my heirs, executors and administrators, firmly by these presents, sealed with my seal and dated this 31st. day of August, anno 1737.

The condition of the above obligation is such that, if the abovesaid George Thorrold doe and shall well and truly transfer, make over and convey unto the abovesaid Vincent Philips and James Farrar, on their joynt and mutuall demand, all that estate, both real and personall, which was bequeathed to the said George Thorrold by Mr. James Carroll, late of Ann Arrundell County, then the above obligation to be void; else to remain in full force and virtue in law. But, if default be made in performance of the above condition, then I impower my attorney in any court of record *to confess judgment, etc.*

Signed and sealed: GEORGE THOROLD.

Witnesses: Edward Digges.
Ign^{ts} Digges.
Nicholas Digges.

Md.–N. Y. Province Archives, carton A, 1; *original folio sheet, well worn.*

Two years after this, on Mar. 9, 1738/9, Father Thorold being still alive, James Whitgreave, of St. Mary's Co., executed a deed to Richard Molyneux and James Farrar, of Portobacco, Charles Co., witnessing that Whitgreave,

C. 1739, March 9.

for and in consideration of five pounds sterling money to him in hand paid by the abovesaid Richard Molyneux and James Farrar, as also for divers other good causes and valuable considerations him thereunto moving, hath given *to them* for ever all the lands bequeathed me by Peter Attwood deceased, in Charles County, as also St. Inigoes Mannor, St. Georges Island and the Chappel Land at St. Mary's *together with all thereupon.* In testimony whereof, the Partys to these presents have interchangeably set their hands and affixed their seals. . . .

JAMES WHITGREAVE: *seal.*

Witnesses: Tho. Brooke.
John Ford.

In like form, eight years afterwards, on Mar. 17, 1747, Farrar deeded over to Richard Molyneux alone his partial interest in the foregoing; except that the indenture did not mention distinctly the Chapel land at St. Mary's. The deed was witnessed by Geo. Dent and Robert Burges, and was duly recorded like the preceding one.

Md.–N. Y. Province Archives, Z; *the two original deeds, and a certified copy of each.*

After the date of the Provincial's ordinance, the first bond which occurs is that of George Hunter himself, who, under date of April 19, 1761, makes known

D. 1761, April 19.

that I, George Hunter, . . . do by these presents firmly bind myself, my heirs, . . . to pay to Mr. John Lewis . . . the full sum of forty thousand pounds sterling money of Great Britain.

The condition of the above obligation is such that, if I . . . by deed or conveyance or by my last will and testament make over *to John Lewis all my estates, etc., then is the above bond void. Signed by Hunter. Witnessed—*

Jos. M. Semmes. Will. Matthews. Jesse Matthews.

Md.–N. Y. Province Archives, N, *1 p. fol., Hunter's hand; signatures autograph.*

No. 75. 1733–1793.

The line of descent by testamentary devise till the Maryland incorporation of the clergy, "who were formerly members of the religious Society known by the name of the Society of Jesus." *These last words used in the Declaration of Trust, which the residuary heirs in 1793 made according to the Maryland Act of Incorporation for the ex-Jesuits, show the destination, where all these trusts finally arrived and settled with the official licence and under the charter of the Legislature. Hence we trace the line of testamentary descent to that date, when Fathers Walton, Robert Molyneux, and Ashton, resigned their individual titles to the property, vesting it in their own Corporation now enabled to hold it.*

The property in St. Mary's and Charles counties, comprising St. Inigoes Manor, Newtown, and St. Thomas's Manor, came down as follows. Father Peter Attwood

A. 1733–1793.

by will bequeathes all his estates, in 1733, to James Whitgreave, who, in turn, five years later, conveys all his property to Richard Molyneux, then Superior, and to James Farrar; James Farrar by deed, in 1747, reconveys to Richard Molyneux all his rights and titles. Richard Molyneux bequeaths all the tracts to George Hunter, who was Superior for a long while; who in turn bequeaths it by his last will to John Lewis, Superior of the Mission and Vicar-General of the Vicar-Apostolic of London at the time of the suppression. John Lewis bequeaths all to James Walton, who was one of the three Fathers, that deeded over all the property, held in their individual names, to the Corporate Body of the Roman Catholic Clergy of Maryland, making the declaration, according to the act of the Maryland Assembly, that the said property was held in confidential trust for the persons who were now incorporated, or to be incorporated in the future.

From the Memorial of Charles Neale and Benedict Fenwick, St. Thomas's Manor, Nov. 22, 1822; two original copies in General Archives, Maryl. Epist., 6, ii.; *the autograph composition of Fenwick himself being in Georgetown College Archives. The devise to Lewis was superseded: see* Nos. 102, A, B; 167, B.

As to White Marsh, we have seen already[1] *that by George Thorold's second will the estate was devised to the same Richard Molyneux, but in terms of a seeming entail with regard to James Quin, which caused much trouble seventy years later. Molyneux left White*

[1] No. 64, B.

Marsh by will to George Hunter, whose second and final will in 1778 made James Walton his heir. See No. 167, B.

As to the ample property at Bohemia on the Eastern Shore of Maryland, its line of descent went as follows from the time it came into the hands of Father Attwood.

B. 1733–1774.

The said Peter Attwood bequeathed all the said tracts to Mr. James Whitgrave, by his last [*will*] and testament, dated 29 Nov. 1733. Recorded in St. Mary's, Dec. 30, 1734.

The said Whitgrave made a deed of all the said tracts to Messrs. Richard Molyneux and Farrar, the said deed bearing date, as recorded in St. Mary's County, Lib. T, B, N° 11, f. 253 and 254. Postea Mr. Farrar conveyed his right to the said tracts to Richard Molyneux by deed recorded, Charles County, 5th of Jan. 1747.

The said Richard Molyneux bequeathed by his last will and testament the said tracts to Mr. Geo. Hunter now residing at Portobaco, 1774; *and Hunter as usual passed them on to Walton, his universal heir.*

Askmore. The title of a tract of land called Askmore and lying contiguous to St. Xaverius, beginning at the second tree of a tract of land formerly layd out for Mary Ann and Margarite O'Daniel, was purchased by Peter Attwood of Vachel Denton. The succession—ut supra—terminates in Mr. Hunter, *who, in turn, devises to Walton* all my lands on or near Bohemia River in Cecil County, containing about eleven hundred acres more or less.

Md.–N. Y. Province Archives, (d) Bohemia, second of two folio sheets on the titles of Bohemia, by (John Lewis ?), bringing down the titles to 1774.

Several more estates or smaller pieces of property entered into the heritage, which was finally rescued from individual vicissitudes and vested in the corporate body. But it would be premature in this Number to indicate their line of descent before noting their origin and conditions of possession.

No. 76. 1729–1778.

Additions to St. Thomas's Manor, Charles County. *On Mar. 8, 1728/9, Father Attwood bought of Belean Posey 54 acres of land,* being that part of Wilkinson's Range that lyes to the norward of Hazard: the lines whereof are as underwritten. *The money paid down by the purchaser was fourteen pounds current money. On Feb. 26, 1733, the conveyance was recorded.*

Md.–N. Y. Province Archives, D, 82. *Ibid., plat of John Wilkinson's Range, by Dep. Surveyor, Rob. Hanson, being a tract of 244 acres. Ibid.*, K, *a 4to, endorsed:* Wilkinson's Range, 244 acres, bounds and plat, Nov. 22, 1728. Copyed out of Major Hansons Certificate and Plat by P. A. [*Peter Attwood*].

Fifteen years after the date of the record, the whole property was bought by Father Richard Molyneux of Wm. McPherson, on July 22, 1748. It consisted of 244 acres more or less, to the east of Port Tobacco Creek, Charles Co.; and the price was 15,000 lbs. of tobacco.

Ibid., E, 90.

On Jan. 14, 1748/9, the same Richard Molyneux bought of Thomas and Hezekia Reeves 80 acres of the neighbouring Causin Manor, whereof the Deputy Surveyor, Wm. Hanson, draws the lines, inscribing: The plat of 80 acres of land, purchased by the Rev. Mr. Richard Molyneux of Thomas Reeves, as it was laid out the 15th day of November, 1748. Wm. Hanson, Dep. Surv^{r}

Ibid., M, *the said plat. Ibid.*, K, *another plat annotated by* (*Father J. B. Carey ?*).

According to a custom which seems to have prevailed more and more as time went on, the Fathers had to buy this all over again. The object of some cases of such repurchase was simply to redeem themselves from vexation. The following deed looks as if it belonged to that category.

A. 1815, June 12.

This indenture, *12 June, 1815, between Thomas Courtney Reeves, Charles Co., Md., and Rev^{d} Francis Ignatius Neale of George Town Territory of Columbia, witnesseth, that Reeves* for and in consideration of the sum of ten pounds current money *of Maryland, herewith receipted, hath granted, sold unto Neale for ever* all his, the said Thomas Courtney Reeves' estate, right, title, property, claim and interest of, in and unto a parcel of land lying and being in Charles County, that my grandfather Thomas Reeves and father Hezekiah Reeves, both deceased, sold and conveyed to a certain Richard Molyneux, now deceased, as by their joint deed, bearing date the fourteenth day of January in the year of our Lord one thousand seven hundred and forty eight-nine, *appears enrolled, Charles Co., March 6,* one thousand seven hundred and forty eight [!]. *It lies on the east side of Portobacco Creek, adjoining St. Thomas's Manor, called* Causin's

Manour, *estimated to contain the full and just quantity of eighty acres, Warranty added in the usual terms. Signed and sealed:*

THOS. C. REEVES.

Witnesses:
Horatio Moore.
Theodore Mudd.
Endorsed: Received, recorded, *etc.*[2]

Ibid., M, *original and executed.*

Some thirty years after the acquisition of Thomas Reeves' land, an additional purchase was made of James Reeves, who sold to George Hunter the piece called Cox and Reeves Risque, 104½ acres for £100 currency.

B. 1778, October 27.

Indenture, 27th day of October, 1778, between Reeves and Hunter, both of Charles Co. In consideration of the sum of one hundred pounds, current money, *paid to Reeves by Hunter, the former sells to the latter for ever the tract in Charles Co. called* Cox's and Reeves' Risque, and containing one hundred and four and an half acres, as per patent . . . may appear. . . .

Witnesses: Walter Hanson. *Signed and sealed:*
W. H. Jenison [?]. JAMES REEVES.
Duly recorded, etc.

Ibid., M, *large fol. sheet, original deed executed.*

Another parcel of 77½ acres, on the east side of the main road leading from Portobacco to Allen's Fresh, was conveyed to the Rev. George Hunter by William Green and Eleanor his wife, for the sum of fifty-four pounds by deed of Dec. 17, 1768. It was called Pye's Chance, and was otherwise described as on the east side of the main road leading from Newport to Portobacco. *The portion conveyed was the* westernmost moyety or half-part *of Pye's Chance.*

Md.-N. Y. Province Archives, B, 45[2], *original deed, recorded. Ibid.*, (*a*) *St. Thomas's Manor, plat of May 9, 1842, made for Father James Moore by James Brawner, Charles Co., surveyor.*

No. 77.

The solemn placing of boundaries. *As in the time of Father William Hunter a memorandum of his, dated 1720/1, January the 17th, records the legal issues about St. Thomas's, which had been*

[2] *For a house plantation of T. C. Reeves, cf.* No. 198, *Marechal's Diary.*

decided in his favour against various neighbours, against Reeves and Smith and Joseph Harrison, so in the days of George Hunter it would appear that his land interests were kept in a lively state of agitation, and were treated by him with corresponding activity. His companion, Father Bolton, writes a triple memorandum about the placing of boundaries, the third case referring to the above-mentioned purchase from James Reeves, and the whole memorandum abounding in planters' names.

The following people were present, when a bound stone, showing the north east boundary of St. Thomas's Manor was placed in 30 foot old field, at the consent of Mr. Thomas Contee and the Rev^{d} Mr. Hunter, proprietors of the two adjacent plantations—both present. *Then follow 21 persons' names: Le Masters, Mcferson, Dicksons, Gilpin, Reeves, Maddox, Hanson* crier of the court, *Neale, Cosseen, Vardin, Sheekly, Aderton, Semmes, Ware, Shervin, Freeman, Yates, Cox.* The two Commissioners, Col^{n} Francis Ware, George Keatch. These were all present and saw the stone fixed, this 31st. day of January in the year of our Lord, 1776.

Witness, John Bolton, ad perpetuam rei memoriam.

The same people were present at the establishing the bound stone at the bottom of Gilpin's Hill, the same day.

Third Mem., fol. verso: Thomas Sherkley, his son William, Ignatius Wathen, Joseph Dixon and myself were witnesses to a bound stone lying at the foot of Gilpin's Hill, shewn us by James Reeves for the beginning boundary of a parcel of land he lately conveyed by deed to the Rev^{d} George Hunter of C. County, this 18th. day of December, 1778.

JOHN BOLTON.

Endorsed: North East Boundaries of St. Thomas's Manor.

Md.-N. Y. Province Archives, M, *memorandum, small 4to.—Cf. Ibid.*, K, *plat of Splittfield, with W. Hunter's* Mem^{d} 1720/1, Jan^{ry} ye 17th. *Cf. supra*, No. 25, note 10.

No. 78. **(1742)–1797.**

Mountain Prospect, on Little Pipe Creek: a tract of 620 acres. *This Maryland property, about which we find scarcely more than the particulars of its sale, was acquired by the old Jesuits before the Suppression of the Society. Lying as it did near the frontier line of Maryland and Pennsylvania, it may have been one of the purchases made by Father Henry Neale. Otherwise, it could have come from the estate of James Carroll through one of his heirs, who were legatees for property at Pipe Creek: Dominick,*

Anthony, and Daniel Carroll, Joanna Croxell, and Mary Higgens. (*See* No. 62, note 18.)

A. 1755, December 3.

Original memorandum of Father George Hunter (?).

Dec. 3, 1755. . . . Pipe Creech 600 [a] Acres, 18 miles from Frederick and 30 from Conywago; there are now 3 men upon it; next year 5 S[*terling?*] *doubling yearly till twenty each,*[b] each yearly, after which they advance yearly one pound for ten years, which in all in ten years runns to £22–10–0 each.

Conywago 150 Acres.

Goshen-hopen 500 Acres, 800 cleard [?], 70 [*20?*] miles N. of Philadelphia.

Yorck four lotts. 30 S.

Lancaster 2 lotts.

In the next century, about 1821, the Vicar-General of Philadelphia, Father Louis de Barth, who was manager of the Jesuit farm at Conewago, noted as being amongst his papers: [3]

B.

VI. 7º A copy of a deed of several thousand acres from the Digges family to Henry Neale. In this tract are, I suppose, included the two tracts mentioned in numbers 1º and 2º, in these remarks on Conowago.

When the new policy was inaugurated of selling off what predecessors had so carefully gathered and husbanded, and when, as the same De Barth said to the procurator of the time,

C. 1821, May 17.

your successors will contract other debts and sell also [*other*] property to pay them [*off*], and so on, untill all the real property will be gone;

the first place which we find doomed is Mountain Prospect, the memory of which thenceforth disappears from the records.

In May, 1793, the ex-Jesuits' Chapter agent, Father Ashton, debits himself with £1000, received for the sale of Mountain Prospect; and at the same time puts the same to his credit, as lent to Georgetown College, [4] *and so he continues at subsequent dates:*

(a) 700 *erased.*
(b) *These five words erased.*

[3] No. 103, p. 347.
[4] *For other contributions to Georgetown College, cf.* No. 153, A, *seq.*

D. 1796, July 3.

Dr. 1796. July 3. To cash received by the Bishop [*Carroll*] from Sam! Godfrey for M. Prospect, £900.0.0.

Cr. 1796. July 3. By D° paid by the Bishop to Mr. F. Neale for the use of the College of G. Town, £900.0.0.

In 1800, Dec. 17, another $400 is reported from Godfrey, that is, £150, and is turned over to the College by the Bishop (*Carroll*), who paid it to Bishop Neale, Dec. 4th, 1800.

Md.-N. Y. Province Archives, (i) Conewago; G. Hunter's half-4to Memoranda sheets, fol. 2. Ibid., Barth's inventory of Jesuit property in Pennsylvania, fol. 2; see infra, No. 103, VI.; *cf.* No. 104, I. *Ibid., (g) Goshenhoppen: Barth, Conewago, May 17, 1821, to Adam Marshall, procurator, Georgetown. Ibid., Carton* DB., *Agent's Cash-book, 1793–1806,* ff. 1, 4, 10.

Appropriations out of this Pipe Creek fund were assigned to the Baltimore Sulpician Seminary in 1792, and to Georgetown College in 1796 and 1797, for the purpose of completing the buildings. But in 1800 all the appropriations were diverted to the paying of Georgetown College debts.[5]

Meanwhile this Maryland body had found it convenient to make Bishop Carroll its attorney for the conveyance of the land; and in the letter by which the power was conveyed we find a description of the property.

E. 1797, March 31.

31 March, 1797. Know all men by these presents that we, James Walton, John Ashton, Charles Sewall, Augustine Jenkins, Francis Neale . . . have put, constituted and appointed our truely and well beloved friend the Right Reverend Mr. John Carroll . . . to be our true and lawful attorney for and in our names to make over . . . all that tract or parcel of land situate, lying and being in Frederick County and State aforesaid, and near unto little Pipe Creek, called and known by the name of Mountain Prospect, containing six hundred and twenty acres of land more or less. . . .[6]

Md.-N. Y. Province Archives, Proceedings of the Corporation, *as quoted infra,* note 5. *Ibid., Z, power of attorney to Carroll, Mar. 31, 1797. Ibid., (g) De Barth's correspondence, May 17, 1821.*

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[5] Nos. 170, C; K, 3°; M; N; V, 3°; B², 13°.

[6] *There were three distinct pieces of Jesuit or Corporation property, connected by name with Frederick County or Frederick Town:* (1) *Mountain Prospect on Little Pipe Creek,* 18 miles, *said Father George Hunter,* from Frederick [*in Maryland*] and 30 from Conywago [*in Pennsylvania*] (*as here,* No. 78, A), *dating from a time prior to the settlement in Frederick Town;* (2) *Frederick Town lots* (No. 91) *beginning in 1765; and* (3) *the Samuel Lilly pieces of property, 11 acres and about 50 acres of mountain land or woodland, 3 or 5 miles out of town* (No. 91, G) *acquired after Aug., 1810. It may be observed that, in an account submitted* (*1822*) *to the Propaganda* (No. 119, [IX.] 3°), *the writer, confounding some vague knowledge of* (3) *the Lilly property, with*

No. 79. 1743–1816.

Small chapel lots acquired by purchase or donation. *As time advanced, the increase of population in Maryland and of new settlements made it necessary to establish more missionary stations than the large farms supplied. This led the Fathers to property arrangements in two lines. One was that of acquiring, whether by purchase or donation, a couple of acres for chapel purposes, church, and graveyard. Of these simple acquisitions we give several instances in the present Number. The other line of development was that of acquiring indeed the necessary chapel station, but then, for one reason or another, making it the nucleus of a new plantation, or of a city property. In this way there were developed as plantations St. Joseph's at Deer Creek in Harford Co., St. Joseph's on the Eastern Shore in Talbot Co., Mill Creek plantation, Delaware; and, as city institutions, the stations at Frederick and at Baltimore.*

A. 1743, March 14.

1743, Mar. 14. Charles Co. For 5 shillings, Wm. Hagan makes over for ever to James Ashby one lot or porcton of ground lying in Boarmans Mannour contained in a tract of land of sixty acres,[7] sold by Wm. Boarman to Thomas Hagan, *and bequeathed to said Wm. Hagan, who signs the deed. Witnessed by John Lancaster, Joseph Lancaster.*

B. 1763, February 22.

1763, Feb. 22. Charles Co. For 20 shillings sterling, George Clements sells to George Hunter 2 acres and 4 square perches more or less. Endorsed by Hunter: Pomfret . . . ple land; *in pencil by a modern hand:* Pomfret chapple land.

data still more vague about (1) *the Mountain Prospect plantation, invokes the Rev. Mr. Dubois' authority in proof of the thesis that a property originally "entrusted" to the Jesuits "for the Mission or Congregation of Frederick Town," had been alienated by them in "violation of their trust;" and, in his private Diary, the same writer takes note of* 9 acres and 4 acres, *and of* 50 acres woodland at 3 miles distance, *still in the possession of the Jesuits, clearly the Lilly property of 1810* (No. 198). *He says to the Propaganda that the generation which had witnessed the alienation or malversation of this trust by the Jesuits had almost entirely passed away,—clearly referring to Mountain Prospect, which Bishop Carroll disposed of in 1800, with powers of attorney from the Corporation, and which was Jesuit property before the congregation at Frederick Town existed. The Rev. Mr. Dubois might have known something indirectly about this latter plantation when he was acting for the ex-Jesuits as pastor in Frederick Town; he had nothing at all to do with Frederick or the Jesuits when the Lilly offer was made. On these premises Mgr. Marechal bases a charge of falsification against the Report submitted by Father Fortis, General of the Society, at the same time referring to Dubois as a witness. See* No. 119, [IX.].

[7] *This obscure language might mean that the lot sold consisted of sixty acres.*

C. 1779, September 13.

1779, Sept. 13. Harford Co. For 60 pounds current money, herewith paid him by Charles Sewall, Martin Preston gives 2 acres, part of Dennis's Choice, which consists of 100 acres.

These high terms, £60 current for 2 acres, may be explained as a war price. But, seeing that the Fathers had already not less than 133 acres at Deer Creek, in Harford Co., it must have been out of regard for the convenience of a sparse and scattered congregation that the purchase of this lot was made. In any case the parcels of land stood far apart on the estate.[8]

D. 1790, November 24.

1790, Nov. 24. Charles Co. Elizabeth Askin bequeathes her garden of about 2 acres for the use of a Chapple *in favour of Rev. Fr. Neale.*

E. 1792, July 18.

1792, July 18, Charles Co. For five shillings sterling, Elizabeth Askin doth hereby bargain and sell unto him the said Francis Neale, all her right to a lot or parcel of land, called Mistake, containing and now laid out for two acres more or less, together with all and singular the improvements, hereby bargained and sold to him the said Francis Neale, Pastor of the Roman Catholick Congregation . . . unto him the said Francis Neale and his successors, Pastors of the Congregation aforesaid. . . .

In the acknowledgment of her deed, Elizabeth Askin uses the following formula, affirming

F. 1792, August 21.

the land and premises therein mentioned to be the right, title and estate of Francis Neale, pastor of the Roman Catholic Congregation, and his successors, according to the true intent and meaning of the said instrument of writing, and according to the Act of Assembly in such cases made and provided.

Witnesses and Justices: Alex[r] McPherson.
Wm. H. McPherson.

Recorded: 21 Aug., 1792.

Md.-N. Y. Province Archives, Z, *original deed; Hagan to Ashby. Ibid.*, I, *original indenture; Clements to Hunter. Ibid.*, H, 161½, *original; Preston to Sewall. Ibid.*, F, 102½, *will of Askin;* M, *original deed, Askin to Neale.*

At this date several circumstances had quite altered the character of the period which we are considering at present; for the Society

[8] *A modern note, foolscap, on the* Proceedings of the General Chapter *at White Marsh, 1786, Nov. 17, relative to Deer Creek* (*cf.* No. 150, B, [IV.]) *; in Md.-N. Y. Province Archives, portfolio* 3.

was suppressed, and a State Legislature had taken the place of the British Government. Neale himself had never yet been a Jesuit.

In the following year, 1793, Francis Neale inherited in his own right the property called Mistake, originally patented for 200 acres, of which the lot conveyed to him as a pastor was a portion.

Ibid., E, 88º ; *a reconveyance to Francis Neale by Elizabeth Neale, Louisa Jones, and Harriet Brent, of the property called Mistake, which he had inherited in 1793, by the will of Elizabeth Askin, and had conveyed to them, Dec. 6, 1819. No date, etc. Ibid.*, E, 86º *and* Z, *deeds and patent about Mistake ; the original parchment patent being that of Charles Lord Baltimore, 13 Aug., 1742, endorsed :* Bowling Speak's Patent, called Mistake.

As a last instance of small properties, we mention the following :—

G. 1816, September 18.

1816, Sept. 18. Charles Co. For $800.^{00}$ *current money U.S., Father Cary buys of Mathilda Wathen* three acres and two perches more or less . . . being part of a tract of land called St. Thomas.

Ibid., D, 71º, *original deed, recorded ; Wathen to Cary.*

No. 80. 1746, September 9.

Assignment to save property in 1746. *Father Richard Molyneux assigns all the real and personal estate of the Society in Maryland to Mr. John Lancaster, Sept. 9, 1746.*

A. 1746, September 9.

This Indenture between Richard Molyneux of Charles Co. and John Lancaster of the same Co., on this nineth day *of Sept., 1746, witnesseth that Molyneux*, in consideration of the sum of one thousand pound of current money of Great Britain to him in hand pay'd by the said John Lancaster . . . and for other good and valuable causes him thereunto moveing, has granted, bargained, sold *that property* unto the sayd John Lancaster in his actual possession now being, by virtue of a bargain, sale and demise to him thereof made for one whole year, by indenture bearing date the day next before the date of these presents, and by force and virtue of the statute made for transferring of uses into possession, and to his heirs and assigns for ever all and every the messuages, cottages, closes, lands, tenements and hereditaments whatsoever of him the said Richard Moleneux ; scituated, lying and being in Charles County aforesaid or elsewhere in Maryland aforesaid, or within the province thereof, with all his personal estate whatsoever, wheresoever in the said province, and the reversion and reversions . . . to have and to hold . . . for ever. In

witness whereof the parties above mentioned have to these presents interchangeably set their hands and seales. . . .

Signed: Richard Molyneux.

Witnesses: John Digges, Junr.
Thomas Pulton.
Theodorus Schneider.

Md.-N. Y. Province Archives, Z, original fol. sheet, not signed or sealed by Lancaster, nor recorded.

As this was not the first time the Maryland Fathers made up their minds to throw themselves on the fidelity of friends, whether these were Fenwicks, Matthews, or Lancasters, we subjoin at once by way of contrast some phrases of a letter, written about the same time in England, where the experiences of the Jesuits in this respect had been much chequered during a century and more.

B. 1749, February 3.

Hon. Sir . . . I am glad to hear you have placed the money on a good security, and wish others had done the same. I must own nevertheless in my private opinion, I like the funds best, tho' the interest does not run so high. I am glad you did not purchase any land, which I think is always dangerous, because somebody must be trusted, and we find honour a weak fence, when there is interest or advantage in turning rogue. I fancy you will find it a hard matter to get the £800 out of the hands it is now in. So you must sit down contented with three per cent. . . .

Westminster Diocesan Archives, 1746–50 : J. Parker, (S.J.), Plowden, Feb. 3, 1748/9, to Mr. Williams, (S.J. Superior), at the Star Inn, Holywell, Flintshire.

No. 81. **1771, October.**

Edenburgh: a critical business view of the trust vested in individual Jesuits. *The merely administrative trust or agency exercised by individual Jesuits, who in the eye of the civil law were full proprietors, seems to have exercised no influence on contracts of sale made to the Jesuits; but it was recognized in a practical way, when there was question of buying from them. Then it would appear that persons felt something to be wanting. This view was not correct, when a transaction was concluded with the Superior or person properly authorized. Still the scruple mentioned in the following documents will show how there was desiderated from the side of the civil law a corporate character in the Jesuits to satisfy the legal sense of purchasers. Father G. Hunter and*

Mr. Stone are planning a town called Edenburgh, at St. Thomas's, and are discussing the titles of lots for sale.

A. 1771, October 3.

Revd. Sir,

Inclosed I send you the Petition for an Act of Assembly to secure the titles of those who become purchasers of lotts in your town, which I think will do. I have left a blank for the number of acres contained in the lines, which you will fill up with the quantity as nearly as can be estimated. I have suggested the purchasers' apprehensions of your not being able to make a legal title to the lands, because you hold in right of the Church. This is necessary, as it would not do to say, you have an absolute fee and in the same petition pray an Act of Assembly to give you one: I have put it, as you will see, on the footing of quieting the doubts of purchasers; and have also prayed a power in the Act to lay of [*off*] additional lotts. The petition may be sent or delivered to Capt. Ware or Mr. Hawkins, who will get the plan of the town from Mast [?] Jenifer's annex[*ed*] to the petition, and get it delivered to the Governor in the first instance, according to the usual mode of offering petitions to the Assembly: he sends it to the Lower House where the Bill is framed. I should be glad you would get it fairly copied by Mr. Lucas or some person who writes a good hand; mine is a very cramp – – one, and I have reasons why I do not chuse a petition should be preferred to the Assembly in my hand writing. After it is copied you must sign it. Mr. Ware and Hawkins can explain to the House of Assembly the plan, convenience of the scituation, etc.

N.B. The copie must be exact as well in the form as in the substance of the petition.

I am, Sir,

3 Oct^{r} 1771. Y^{r} most ob^{t} Serv.

T. Stone.

Endorsed: Petition of Rev. Ch. [!] Hunter – – –ing Lots for S. – – – sid– – –n town.

Addressed: To Rev^{d} Mr. Hunter.

B.

Enclosed:

To His Excellency Robert Eden Esquire, Governor and Commander in chief in and over the Province of Maryland: And the honourable The Upper and Lower Houses of Assembly.

The Petition of George Hunter of Charles County most humbly sheweth.

That your Petitioner is seised and possessed in and of a tract of land lying on the east side of Portobacco Creek in Charles County, called St. Thomas's Manor, on part of which your Petitioner at the request and for

the convenience of the inhabitants of the County aforesaid and others has laid off a town by the name of Edenburgh, according to the plan hereto annexed.

That purchasers of lotts in the said town are apprehensive your Petitioner can't make a title in fee to the same, he holding the said land in right of the Roman Catholic Church.

To remove which doubts your Petitioner, being willing to gratify and make all purchasers of lotts in the said town secure, most humbly prays that an Act of your Excellency and Honours may pass, vesting your petitioner with the compleat fee-simple of that part of the said tract of land, which is contained in the following metes, courses, lines and distances, to wit:—*Here follows a long description:* thence south twenty-two degrees east, three thousand five hundred and eighty feet to the beginning – – containing – – – acres; for the purpose only of enabling your Petitioner to confirm, make valid and legal, the titles of all those who become purchasers of lotts in the town aforesaid.

And also that a power may by the said Act be given to your Petitioner and his successors to make a legal title in fee-simple in any lotts hereafter to be added to the said town land, for the greater convenience of the people; for which your Petitioner as in duty bound will ever pray.

Md.-N. Y. Province Archives, Carton A, 1, *2 double folios; original letter of T. Stone to George Hunter, and draft of petition.—As to new towns, cf. J. T. Scharf*, History of Maryland, i. 411.

From the tenor of these two documents it is clear that the lawyer and the Father considered the right of the Jesuit Superior perfectly good; that they considered the Assembly would take the same view, since the Assembly could give no vested right to Hunter in the premises, if he had it not already, but could only enable him to use it; and that all parties alike regarded the possession of property by the Jesuits as in the right of the Roman Catholic Church and for her perpetual benefit. (*Cf.* No. 116, D, note 15.)

No. 82. **1731–1732.**

Bohemia, Eastern Shore: quieting its possession and completing its range. *Father Attwood had to pay over again for the quiet possession of St. Xaverius, commonly called Bohemia. The contestant of his right was not Heath, the vendor of St. Ignatius' and of other parcels, but a neighbour, Joshua George, who had an official survey made by Wm. Rumsey, and a map or plat drawn. The surveyor and the sheriff, John Campbell, signed and sealed*

the report inscribed on the face of the map, under date of Mar. 26, 1731. The result of all this was that not only the Jesuits but Mr. Heath and other neighbours found their plantations cut out before their eyes. The survey had proceeded on the assumption that two thoroughfares, one called the Delaware High Way and the other the Delaware Path, were one and the same. Upon this an amount of litigious papers has gathered in the archives, sufficient to ground a very fair history of all those environs, from the time, September, 1682, when the well-known Augustine Herman first received the titles for his Bohemia Manor of 6000 acres and his Little Bohemia of 1000 acres. What the final settlement was may be gathered compendiously from the following statement of Father Attwood's, endorsed on the same map which bore inscribed the surveyor's report. (*Cf.* No. 28, p. 210.)

A. 1731, July.

Memorandum. That upon the within survey Mr. Jos.e George began [?] to assert his claim by ejecting old [?] Jno. Reynolds, whereupon Mr. Heath, Mr. Bennet and Mr. Attwood joined to defend the poor man and our own several claims. In order hereunto we procured several depositions (of which that of Otto Othoson and that of Nathaniel Sappinton were most material) to prove the old Delaware Path to be different from the Delaware High Way, as the patents of Little and Great Bohemia seem to imply; for, dated as they are on the same day, the one calls for the Path, the other for the High Way, for their boundaries; which difference of names cannot be supposed to be given by the same man and at the same time to one and the same path. This notwithstanding, Jos.e George, making both the same, extends Middle Neck to the High Way, crossing over Hermans Branch above Jn. Reynolds's plantation; whereas the Path we proved crosses over the same branch about a mile below.

Upon a reference between Jos.e George, Mr. Bennet and Mr. Attwood, it was agreed to divide the distance between the path and the road, and make that middle place the boundary of Middle Neck Manor; and now it only remained to determin how the line from thence should be drawn to the head of St. Austins Creek, whether (as in the plot) to the head of the southermost Branch of St. Austins Creek, or to the high water mark of the said Branch, or whether to the head of the northermost Branch which runs to the Cross-paths [*viz. the boundary of Bohemia property at the first Run across the road?*] and down the same, or to high water mark of the same Branch, or lastly whether to that point of St. Xaverius where the two Branches divide, or that point of Middle Neck that is opposit thereto.

Thus George, having won already the first half of his contention for a mile, had now any one of six solutions to determine the rest of his claim; and, like most people who are bold and dare, and whose every card in a game of compromise will give them something, Mr. George did not come out of the affray empty-handed. Father Attwood goes on to tell how—

After many arguments pro and con. all agreed to take releases from Mr. Jos^{a} George, for whatever land of each one's the [*Middle Neck*] Manor [*of Mr. George*] might include; and for the same to pay him some acknowledgment for the trouble and expence he had been at. Mr. Attwood gave him £35 current, for a release of whatever land he claims, which said deed was executed and acknowledged, July 24, 1731, at Annapolis, before Col. Fendall.

Md.-N. Y. Province Archives, Carton A, 1, *the map; also a pamphlet, 9 pp. small fol., printed for Col. Ephraim A. Herrman, 1723, by Andrew Bradford, Philadelphia, with depositions to prove the identity of the two thoroughfares. Ibid.,* (*d*) *Bohemia, various correlative documents.*

This deed makes over the land betwixt the two Branches of St. Augustine's Creek,

B. 1731, July 24.

and betwixt which said Branches is the plantation of the said Peter Attwood, now in his actual possession and occupation . . .

Signed: Jos. George.

Witnesses: Charles Carroll.
Vachel Denton.

Md.-N. Y. Province Archives, (*d*) *Bohemia, original indenture executed.*

Being thus quieted in the possession of the 1143 acres constituting St. Xaverius and the other tracts,[9] *Father Attwood proceeded, on the 20th of April in the next year, 1732, to buy of Vachel Denton a neighbouring tract of 550 acres called Askmore. It began at an oak in Mariana and Margaret O'Daniell's original tract, now St. Xaverius. And the parchment deed executed witnesses that Peter Attwood paid for the same to Denton £200 current money.*

Md.-N. Y. Province Archives, (*d*) *Bohemia.*

In the case of a trespass on the Fathers' property ten years later, J. George's name appears in a warrant of attachment against Richard Craddock, and in favour of Father Henry Neale, as follows:—

[9] *Cf.* Nos. 48; 83, B, *reductions in the extent of Bohemia.*

C. 1742, August 15.

Charles, absolute Lord, etc., to the Sheriff of Cecil County, etc., commands the attachment, to the value of £107/4/7, of the goods, chattels, rights and credits of Richard Cradock, late of Coecil County planter, *as also to the value of 349 lbs. tobacco,* the incident cost and charges accruing on this attachment, together with the additional costs and charges hereon accruing . . . to be condemned *at the Elk River Court House, 2nd Tuesday in November,* for the use of a certain Henry Neal, unless the said Richard Cradock, by himself or his attorney, shall appear and answer unto the said Henry Neal of a plea of Trespass upon the Case. . . . Witness, Richard Thompson presideing Justice of our said County Court, this fifteenth day of August, *28th year of our Dominion, 1742. Issued:* Wm. Knight, Clk. *Subscribed in parenthesis:* (J. GEORGE).

Endorsed: Mr. Henry Neal[10]
@
Richard Craddock.
Attachment.

Ibid., (d) Bohemia, half of a broad fol.

No. 83. **1773, December 14.**

Bohemia: attempts at expropriation by violence. *The first James Heath, who sold St. Ignatius' and other tracts to Father Mansell, would seem to have been a Catholic. A descendant of the family shows that the second Heath, James Paul, was clearly a Catholic, and in his will of 1745, he left £10 to the presiding priest at Bohemia. In this same year, 1745, a third James Heath is seen registered as the first scholar at the Jesuits' Latin school, which was opened under Father Henry Neale's superintendence on the St. Xaverius plantation. Now a fourth member of the family, one named Daniel, figures in the correspondence subjoined; probably the same of whom the descendant alluded to says:* Daniel Charles Heath had lived and entertained sumptuously; as a consequence he left no will. *On Dec. 14, 1773, Father Sittensperger, called in English Father Manners, writes from Bohemia to the Superior of the Mission, Father John Lewis, at Newtown.*

A.

Daniel Heath pretends to take away half of the plantation, where Jno. Crosby liveth, as also all the land we got from his grandfather, viz. the New Design, or part of Worsell Manour, Woodbridge, and that of St.

[10] Rich. Molyneux, *erased.*

Ignatius.[11] A part of Ask-more, or John Crosby's plantation, he tells me falls to him by a warrant given to his grandfather. The rest he expects to get by ejection, because it was only a gift to us and not purchased, etc. On the other side I am informed, that Mr. Sidney George is about taking away from us all that land which was in dispute at his father's time, and for which we have paid £35 Maryland currency to prevent law-suits; because, as he tells himself, his father then had only a lease of that land, and consequently no right to dispose of it. *He claims the land on which our barn and dwelling house stand*, and this he tells me falls to him by an older right he bought lately of the Van Bebers; so that we shall have little or nothing at all left to ourselves to live upon. If this should take place, I think it is now high time some thing should be done. *Heath's violence is described:* at John Crosby's by drawing away the rails I got made last winter, and which were lying both side the road to Warwick. *At this stage, Manners persuaded him to stop, and promise to bring back the rails. He, on his side, required Manners not to take away the rails till the matter was settled. But nothing was done. Then came on a new access of violence. Heath* rode up, ordered me three times to be tied, cocked his pistol, pointed it at my breast; *he fell upon the negroes with blows; Rachel received three on the head. Manners disarmed the brutal overseer, who along with a huge negro was belaboring her head and side, though* big with child. *Heath was sorry he had not met Manners at first with all his negroes; then, said he, he would* have played the devil with me and my negroes. *He has two lawyers, Gordon and Thomas Hans; Manners has only one, Joe Earle, a good pleader, who does not want an assistant.* I have swore peace against Mr. Heath at publick court, which I was advised to do by Dr. Matthews, William Rumsey, Esq., and the lawyer, in order to secure my own and the negroes' life. *Father Lewis had better come over himself. Manners adds an* Appendix to the first page. But one thing puts me to a stand, viz. my being a foreigner. . . . I can hold no land. *He then gives directions about the way Lewis is to send his letter; to wit, through Mr. Mosley; otherwise it will be intercepted. Mr. Heath does not want this matter to come to the knowledge of Father Lewis or of the other gentlemen on the Western Shore.*

Addressed: To the Rev[d] Mr. John Lewis at New-Town. In St. Mary's County, Maryland.

(To be put in the Post office at Annapolis, and forwarded with care and speed.)

Memoranda of the Rev. E. Devitt, S.J., Georgetown: copy of letters from Mrs. James McMillan of Conesus, Livingston Co., N. Y., a descendant of James Heath, Feb. 10, 1898, etc.—Md.-N. Y. Province Archives, C, Mathias Manners, S.J., Bohemia, Dec. 14, 1773, to the Rev. John Lewis at New Town, 2 pp. fol. and 1 p. fol. of appendix.

There may have been some connection between these claims now put forward and the Suppression of the Society, an event which had occurred in Europe four months previously.

[11] No. 28, p. 208; *recorded deed of purchase for all these tracts.*

This postal direction on his letter shows that the Father was reduced to the necessity of despatching his missive by boat across the Chesapeake to Annapolis, the capital of the province, in order to secure its transmission thence without fear of its being intercepted. And, from the contents of the letter taken in conjunction with the memoir of James Heath's descendant quoted above, we find that a spendthrift was the originator or inventor of a new plea in plantation history; to wit, that land owned by the Jesuits had only been given to them, and had not been purchased by them, and that therefore it was a legitimate prey for third parties to take over by any process of ejection.

On May 13, 1793, the Sulpician Fathers of Baltimore, being accorded the usufruct of this plantation by the ex-Jesuits, entered into possession. The Abbé Ambrose Marechal was recalled from St. Mary's County, and sent to occupy the estate and the pastoral station, in the name of the Sulpician Seminary.[12]

In the same year, on Oct. 3, Father James Walton, general trustee of the Jesuit property, made a sworn Declaration of his trust, and stated that this property contained about eleven hundred acres more or less.[13]

In May, 1795, the Abbé Marechal engaged a surveyor to lay out the estate on a plat,[14] *which is extant, entitled,* Plan général de la Plantation de Bohemia, Mai, 1795.

B. 1795, May.

Twenty-four localities are accurately laid out and are listed in the margin. The six main parcels of land, constituting the entire plantation, are defined; and a special list in the margin gives the number of acres in each. Red lines and letters indicate the old divisions: Les lignes et les lettres rouges servent à désigner les anciennes divisions de la plantation. *Under the six specifications the sum-total is given, making allowance for a part formerly sold to J. Scott*: Part. d'Askmore vendue autrefois à J. Scott; *the* Total actuel *is* 1185 *acres; which agrees with Walton's statement. The part marked in Abbé Marechal's survey as having been "sold formerly" consisted of 180 acres; which at some earlier date may have given a sum-total of 1365 acres; and make it uncertain how long, if ever, this Jesuit estate consisted of the large proportions given in* No. 48. *Cf.* No. 75, B.

Md.-N. Y. Province Archives, (d) Bohemia. The plat of Marechal shows a little portion of an endorsement through strips of mending paper: . . . de la Plantation . . . *There is another incipient plan, endorsed:* Plan de Bohemia: *as well as an ancient plat by James Harris, Aug. 29, 1704.*

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[12] Nos. 121, A, note 6; 170, D. [13] No. 167, A. *Cf.* No. 97, 8[2], p. 337.
[14] No. 135, A, Prop. 6.

No. 84. 1750–1773.

Deer Creek: beginnings of the Jesuit plantation. *Part of Maiden Bower Secured. Father Bennet Neale, under date of Nov. 7, 1750, bought of Henry Beach eighteen acres of land for the sum of fifteen pounds, Maryland currency. The locality was Baltimore County, afterwards (1773) called in these parts Harford Co.*

A. 1750, November 7.

The indenture witnesseth that, in consideration of the sum of fifteen pounds current money of the Province of Maryland, Henry Beach doth bargain, sell, and convey to the aforesaid Bennet Neale, eighteen acres of land lying in Baltimore County . . . being part of a tract of land called Maidens Bower Secured . . . laid out for eighteen acres more or less, *with everything thereupon and thereunto appertaining.*

Signed: Henry Beach.

Witnessed: Thos. Shea, his mark.
Pat. Goold.
Rob^{t} Bishopf [?].

Md.-N. Y. Province Archives, T; ½ *p. large fol. indenture, original, executed.*

The two Shea parcels. For five shillings, current money, Thomas Shea sells 115 acres to Bennet Neale, under date of Oct. 8, 1764. Shea's original certificates for these lands date from 1714–5. Hence, at the time of this conveyance, he must have been an old man over 60 years of age.

B. 1764, October 8.

Witnesseth, under date of Oct. 8, 1764, that Thos. Shea of Baltimore County, for 5 sh. currency, conveys two tracts of land, the one called Thomas's Beginning . . . 50 acres of land, the other called The Addition to Thomas's Beginning . . . on the east and west sides of Deer Creek, laid out for 65 acres, *to Bennet Neale of Baltimore Co., except* ½ *acre,* where the Burying-Place now is *for himself and his family* as he shall think proper.

Thomas Shea his mark.

Witnesses: John Harris.
Ignatius Wheeler.[15]

Md.-N. Y. Province Archives, T, *two certificates of Thos. Shy and of Thos. Shey, Mar. 16, 1714, and Sept. 14, 1715, respectively; the former for a tract of land parallel with that of Mr. Reigneen, and now laid out for 45 acres,*

[15] *It is affirmed that this same property was made over by the same Shea on the same terms to John Digges, Jr., (S.J.), twenty years previously.* American Catholic Historical Researches, xxiii. (April, 1906), 182; *the Rev. J. Alphonse Frederick to John T. Reiley.*

to be holden of the Manor of Baltimore; the other for a tract of land called Thomases Beginning, on the south side of Deer Creek, parallel with Jacob Reigneen's west line of his land called Jerichoe, and now laid out for 50 acres, to be holden of the Manor; with plat subjoined. Ibid., T, *certificate July 19, 1721, with plat of the Addition to Thomas's Beginning, surveyed for 65 acres; described in the indentures as on the east and west sides of Deer Creek. Ibid.*, T, *the indenture executed, as above. On the certificate of Sept. 14, 1715, is endorsed:* This Certificate and Platt disagrees in the 2d course as to distance in the Certificate of the [?] 100 perches in the Platt it is 120. Clem. Hill Examin^d. *Cf.* No. 97, 5b, p. 336.

A circumstance regarding this conveyance was mentioned sixty years later, by a resident of Deer Creek, to this effect—

C.

That an opinion has very generally prevailed in this congregation, that one hundred acres of that land was given to Mr. Neale for the use and support of the clergymen of this parish, upon condition that Mr. Neale should support the donor during life.[16]

This is what a gentleman of a later generation professed to have understood, but he did not certify anything. A deponent of the other sex undertook to certify with more precision—

D.

I hereby certify that I have often heard my father and mother say, that Mr. Shey gave the property now held by Dr. Glasgow for the use of the congregation of Harford, and that Mrs. Shey, who was not a member of the congregation, relinquished her right to the said property for the above-mentioned purpose, for 1 pound of tea.

Md.-N. Y. Province Archives, T, *among original letters written by or for members of the congregation of Deer Creek, in answer to Rev. Timothy O'Brien: from A. J. Greme, Mar. 30, 1821; from Elizabeth Schinellen, attached to the same series, without date. See* No. 89.

For these three original parcels of ground, one had from Beach and the other two from Shea, the quit-rents stood as follows:—

E. 1773, September 29.

Bennett Neal		Dr.
To Thomas's Beginning	50 [*acres*]	2. – –
To Addition to D^o	65	2. $7\frac{1}{2}$
To part Maidens Bower Secured	18	.9

Rec^d one years rent ending 29th Sept. 1773.

THOS. JONES.

Md.-N. Y. Province Archives, T, *original receipt on a little slip of paper.*

On the terms of the Beach sale, 14 years before, that effected by Shea would amount to £96. If the charge of his maintenance was a

[16] *Cf.* No. 89, D, *Mr. Greme.*

condition of the bargain, then, were it taken only on the basis of a schoolboy's board at Bohemia in 1746, it would amount for a boy to £20 currency during the months of school, without counting the tuition, clothing, and incidental expenses; hence for a man it might well be put at £40 per annum, or twenty pounds sterling. Thus Father Bennet Neale's assets, on the strength of the Shea conveyance, would come to about three years' support of Thomas Shea. As a rate of interest like this, about 42 per cent. on the capital, agrees with no conception of a gift or life-annuity, the Shea transaction was a very onerous contract for Father Neale. But, sooner or later, the obligation ceased with the life of the old man, and the plantation was further developed.

No. 85. **1779–1793.**

Deer Creek: development of the plantations in Harford Co. *Six years after the Suppression of the Society, Father Charles Sewall in 1779 bought of Martin Preston, for the consideration of*

A. 1779, September 13.

£60 current money . . . 2 acres, *part of Dennis' Choice, which consisted of 100 acres.*

To this we alluded before, under the head of Small Chapel Lots.[17]

Md.-N. Y. Province Archives, H, 161°.

In the General Chapter of the ex-Jesuits, which was formed as a preliminary to their incorporation, and which set down as a motive for its existence the principle of promoting and effecting an absolute and entire restoration to the Society of Jesus, if it should please Almighty God to re-establish it in this country, of all property belonging to it,[18] *the first matter taken up in the second administrative meeting, that of 1786, was the question of Deer Creek. The members present being Fathers Ignatius Matthews, Walton, Diderich, Ashton, Robert Molyneux, and John Carroll, the* particular resolves *of the first day, Nov.* 16, *proceeded thus:*

B. 1786, November 16.

1° That the Procurator General be authorized to purchase a tract of land convenient to Deer Creek settlement, and that he do not exceed the sum of £900 [*£700 ?*] in purchasing the same.

[17] No. 79, C. [18] No. 147, G.

2° That, after sufficient improvements are made on the new settlement purchased for Deer Creek, the old settlement shall return to the disposition of the General Chapter; and that the Procurator General is directed to order the improvements to be begun, as soon as he shall find it convenient.

Georgetown College MSS., Proceedings of the General Chapter, 1786, *Nov. 13–24, 4½ pp. fol.*; f. 1ᵛ. *Infra*, No. 150, B, [*IV.*].

With this should be connected the first petition for a resurvey, presented to the Court by Sylvester Boarman in 1786.

Md.-N. Y. Province Archives, H, 164°.

C.

The agent or procurator, Father John Ashton, bought immediately, on the 21st of December, 1786, 344 acres for the sum of £645 15s. current money. The property was called Arabia Petrea, and its previous owner was James Calhoun of Baltimore.

The Charles Neale and Benedict Fenwick Memorial, Nov. 22, 1822, vi.; *original in Georgetown College MSS., Marechal Controversy; another original with copies in General Archives, Maryl. Epist.*, 6, ii. *Cf. infra*, No. 129, 1°

D.

In 1793 there appears mention of another Deer Creek property, which agrees in description with none of those recorded above, and which had been acquired since Father Hunter made his wills, no record of it appearing under his name. This was Pogmods *in Harford Co. on Deer Creek, containing, says Father Walton, in his Declaration or dedication of property to the new corporate body*, thirty-six acres more or less.

Md.-N. Y. Province Archives, F (G), *authentic Declaration of James Walton, Oct. 3, 1793; copy in (d) Bohemia. Infra*, No. 86, A.

E.

On the eve of establishing the Corporation of ex-Jesuits in 1793, Sylvester Boarman made an application for the appointment of a Commission, to ascertain the lines of the original parcels of land at Deer Creek, and especially the west side of a tract called Jericho, on which those lands much depend. *He specified Thomas's Beginning, The Addition to Thomas's Beginning and part of Maiden's Bower*, of which tracts he Boarman was seised. *The Commission was appointed on April 8, 1793; its minutes*

run from Sept. 24, same year, till Oct. 31, and then they stop abruptly.

Md.-N. Y. Province Archives, H, 162°, *1 fol. sheet, beginning:* Harford County Ss.; *ending abruptly, f°., and endorsed:* Minutes of Commission. Rev^d^ Boarman.

F.

Finally, in Archbishop Carroll's account of the property, when he undertook to sell it for the Corporation and did sell a good part of it in 1814, there appeared distinctly 175 acres more than have been accounted for above. And when in 1822 the Corporation sold Arabia Petrea, it named a tract, called Conveniency, contiguous to the former, and containing about 20 acres.[19]

In 1814 the estate about Deer Creek in Harford County comprised 690 acres, apparently in two chief parcels, the one being Paradise, the later acquisition through Ashton being Arabia Petrea. The chapel was five miles away from one of these chief farms. Of this property 479 acres had consumed £720 15s. of the Jesuit funds, while Shea's 115 acres, worth about £95, was said to have been charged with his board and maintenance during the rest of his life.

No. 86. **1793, October 3.**

Deer Creek: dedication to the Corporation. *In 1793, on Oct. 3, the nominal ex-Jesuit proprietors vested their titles in the new Board, which they called the* Corporation of the Roman Catholic Clergy, *and which they had caused to be legalized by a Maryland Act of Assembly* for securing certain estates and property for the support and uses of the Ministers of the Roman Catholic Religion.[20] *In accordance with the provisions of this Act the persons vested with titles proceeded to transfer their interest, which was only a confidential trust, to the body which should continue more securely the same fiduciary interest. There were three such persons: Walton, Ashton, and Robert Molyneux, and only the two former had titles of Deer Creek. These they resigned in the following terms:—*

A.

I, James Walton of the County of Saint Mary and State of Maryland, do by virtue of these presents make known, publish and declare, in

[19] Nos. 87, F; 88, J. [20] Nos. 164, 169.

conformity and agreeably to an Act of Assembly of the State of Maryland, entitled, An Act for securing certain estates and property for the support and uses of the Ministers of the Roman Catholic Religion, that the real property hereafter specified, viz. *St. Inigoes, Newtown, St. Thomas's Manor, White Marsh, Fingaul*, Thomas's Beginning lying in Harford County, and containing fifty acres; The Addition to Thomas's Beginning, adjoining thereto, and containing sixty-five acres; a part of the tract of land called Maidens Bower Secured lying in Harford County, and containing eighteen acres; a part of a tract of land lying also in Harford County on Deer Creek, commonly called Pogmods, and containing thirty-six acres more or less; *property in Baltimore town, in Frederic town and County, at Bohemia in Cecil County, at St. Joseph's in Talbot County, and all mixed and personal property appertaining thereto*, hath been and now is held by me, the said James Walton, under a confidential or implied trust, for the use, benefit and maintenance of the Ministers of the Roman Catholic Church, now exercising their ministerial functions within the United States of America, agreeably to the rules and discipline of their Church, and who were formerly members of the religious Society, heretofore known by the name of the Society of Jesus.

In testimony whereof I have hereunto set my hand and seal, this third day of October, Anno Domini 1793.

JAMES WALTON.

Witnesses: Henry Barnes.
Henry H. Chapman.

Acknowledgment is then made before the two same justices of the peace whose names appear above as witnesses.

Then follows a secondary acknowledgment or subsidiary Declaration, made before the same justices of the peace, whereby Walton determines in particular the equitable right, not only to property once actually possessed by the Society, but to that also which has been acquired in exchange for Jesuit estates or funds, whether under the former British domination, or under the State government since the first Constitutional Convention of 1776. He declares the right to be vested in the same way as was stated in the body of the Declaration.

B.

At the same time, to wit, on the day and year last aforesaid, [*Oct. 3, 1793*] personally appeared before us, the subscribers as aforesaid, the Rev[d] Mr. James Walton, and made oath on the holy Evangels of Almighty God, that all the property whether real, personal or mixed, now in his actual possession, he always and now bona fide holds for pious purposes, acquired either before the 14th day of August, in the year

1776,[21] or acquired since that time in exchange for property held before the said 14th day of August, 1776, in manner as in the within written Declaration is expressed, and for the purposes as therein mentioned. Sworn before

Henry Barnes.
Henry H. Chapman.

Received and recorded, Oct. 15, 1793, Liber I. G, No. 3, fol. 285, *General Court Land Record, Western Shore, State of Maryland.*

On the same occasion John Ashton made his Declaration, which differed in no respect from Walton's, except in the list of estates. These with him were only two: one a new acquisition at White Marsh, the other

C.

a part of Arabia Petrea in Harford County, containing three hundred and forty acres more or less.

Md.-N. Y. Province Archives, F (G), *Declarations; authenticated copies from the General Court Land Records, by* Jn° Ginn Clerk.

No. 87. **1801–1822.**

Deer Creek: sale of the plantations. *Seeing that a great moral case was supposed at a later date to be pivoted on the tenure and sale of this property by the Jesuits, as if they had held and sold other people's land, it seems better to put down at once the remaining historical data, and so evade the inconvenience of suspending the sequel or repeating the antecedents.*

At a meeting of the Corporation or Board of Trustees, Nov. 3, 1801, there being present Bishop Leonard Neale, with Walton, Molyneux, Ashton, and Sewall, the affairs of Deer Creek were treated as follows:—

A. 1801, November 3.

Proceedings of the Corporation, Nov. 3, 1801.

10° Having considered the affairs and debts of Deer Creek, and finding that the sum of £230.19.7½ is due to Rev. Mr. Pasquet on account of his own monies being paid to discharge sundry debts, and that there is also a sum of £285.12.5½ due from said estate of Deer Creek to sundry persons, the whole amounting to £515.12.1 [!]: Resolved:

That the agent do pay to Mr. Pasquet, for the present, two hundred dollars, and the remainder to the respective claimants as soon as the fund will allow it.

[21] *Date of the assembling of the first Constitutional Convention at Annapolis, Maryland.*

11º That the agent do also pay to Rev. Mr. Pasquet $36, which he demands as interest on $600 borrowed by him for the use of Deer Creek plantation.

12º That the rents arising from the new purchased land on Deer Creek be applied towards paying the present debts of the estate of said place. . . .

. . . *Signed:* + Leon^{d} Neale, Coadj^{tr}. of Balt^{re}
James Walton, Robert Molyneux, John Ashton, C^{s} Sewall.

B.

Proceedings of the Corporation, May 24, 1803. 1803, May 24.

14º It appearing that the debts of Deer Creek estate have not been diminished, notwithstanding the provisions made for their reduction by the resolves entered into at St. Thomas's Manor, November 3, 1801, the interest of which debts is constantly adding to the burden; the members now assembled, wishing for a fuller Board, decline for the present to take a definitive resolution on this subject; but recommend it to the consideration of the Corporation [*i.e. the Board*] at their next meeting, whether it will not be advisable, with the concurrence of the Representatives, to sell the whole or some part of the said estate on Deer Creek.

. . . *Signed:* + J. Carroll, Bis^{p} of Balt^{re}, + Leon^{d} Neale, B^{p} of Gortyna, G. B. Bitouzey.

On this occasion, instead of the four ex-Jesuits and the one ex-Jesuit bishop of the previous meeting, there is one secular clergyman with two ex-Jesuit bishops.

C.

Proceedings of the Corporation, April 25, 1804. 1804, April 25.

5º The agent of the Corporation is directed to settle as soon as possible the claims of Mr. Pasquet and others against the estate of Deer Creek; and, to enable him to effect this, resolved, that the supernumerary slaves thereon be disposed of to humane and Christian masters, under the direction of the said agent.

. . . *Signed:* + J. Bis^{p} of Balt^{re}, + Leon^{d} Neale, Bis^{p} of Gortn^{a}, Henry Pile, Rob^{t} Plunkett, G. B. Bitouzey.

Here the Board is constituted of one secular clergyman, two ex-Jesuit priests, and the two ex-Jesuit bishops. At a meeting in the following year (July 9, 1805), Henry Pile being absent, some ordinary administrative business was transacted with regard to Deer Creek (Resolution 8º). Meanwhile, the Society had been restored.

Md.-N. Y. Province Archives, Proceedings of the Corporation, *2 fol. vols. of minutes, signed m.p. by Trustees present:* i. 35, 48, 51.

In 1805, immediately upon the introduction of the Society again into Maryland, by the formal act of Bishop Carroll (June 21) as delegate of the General of the Jesuits in Russia, the Corporation which consisted regularly of four or five Trustees, including generally as members of the Board Bishops Carroll and Leonard Neale, proceeded to establish a perpetual fund, the interest of which to be applied to such occasional uses as the good of the Mission may require. *And, accordingly, the Rev. Messrs. Bitouzey and Francis Neale were* directed to take information concerning the propriety of selling the lands of Deer Creek, and the plantation in Delaware, Newcastle County, near Wilmington, also certain tracts of the White Marsh (*Nov. 21, 1805; infra,* No. 178, N). *On Mar. 31, 1806, Father Francis Neale published an advertisement—*

D. 1806, March 31.

For Sale: A Parcel of Land, containing two hundred and sixty acres more or less, situated partly on both sides of Deer Creek, Harford County, State of Maryland. Its situation is well known in Harford County, under the name of the Old Works, as it was on this tract of land that an iron forge, a grist-mill and oil-mill, etc., were formerly erected. . . . For terms, apply to Mr. Benjamin Green, jun., living near the premises; the Reverend William Pasquet, head of little Bohemia, Caecil County; Reverend Francis Beeston, Baltimore; or to the subscriber at George-Town, district of Columbia.

FRANCIS NEALE.

March 31, 1806.

American Catholic Historical Researches, xviii. 190, 191.

The meetings of the Trustees were held at this time about once or twice a year, sometimes not even once. All of the deliberations at which Deer Creek was mentioned, excepting only the first, were attended by Bishop Carroll, and, after the three first, by Bishop Neale likewise, the bishops always signing the minutes,—the two together being half of the Board, and on several occasions being two-thirds of the members actually in attendance.

E. 1806–1812.

The Rev. Mr. Pasquet, a secular clergyman, was authorized to rent out the two plantations on Deer Creek to the best advantage (*Sept. 9, 1806, 6°*). *For a debt due to Pasquet from Deer Creek, the Corporation executed a bond to him,* that part of the estate of that place, which is ordered for sale, being answerable therefor to the Corporation (*Sept. 11,*

1806, 5º). In order to the discharging of the bond of the Corporation held by the Rev. Mr. Pasquet, resolved that the agent shall call upon him to account for the rent of Arabia Petraea, and the black people removed from Deer Creek and employed by him for his own use (*Oct. 4, 1808, 7º*). Resolved that, pursuant to a resolution of the Corporation at their meeting at St. Thomas's Manor, Nov. 21st, 1805 [*4th resolution*], Messrs. F. Neale and Bitouzey be authorized to dispose of the estates on Deer Creek, and certain lots of land near the White Marsh, whenever they can do so advantagiously; and, in the mean time, the Corporation grants to the Rev. Mr. Eden [*a secular clergyman*] the whole profits of the home place on Deer Creek and Arabia Petrea, allows him the sum received for a black girl sold by Rev. Fr. Beeston, the amount he may receive for two black boys at Mr. Benedict Greene's, and the use of another black girl, sister to the above, taken into Mr. Eden's service. Likewise, the Corporation authorizes the agent to advance one hundred dollars to Rev. Mr. Eden for repairing his barn and other purposes beneficial to the place (*4th resolution, June 10, 1811*). The committee appointed by the 4th resolution of the above said meeting of June 10th, 1811, concerning Deer Creek and White Marsh estates, make no report, only one of the committee being present (*3rd resolution, April 22, 1812*). The committee continued by the 3rd resolution of the last meeting report, that they have not made sale of the property mentioned therein (*Sept. 22, 1812, 3º*).

Md.-N. Y. Province Archives, Proceedings of the Corporation, i. 63, 64, 66, 72, 76, 77, 81. *Cf.* No. 179, D, F, J, N, P, Q.

On the 14th of Feb., 1814, Archbishop Carroll wrote to Francis Neale, agent of the Corporation, reporting offers for the two tracts.

F. 1814, February 14.

Capt. Craig's offer, he thought, was too low, $2800 for Paradise, and for the other tract $2200; in all $5000. Now, he went on to say: Arabia Petroea with Conveniency (both which are contained in the deed to the Corporation, and which I have) contains upwards of 360 acres. *The archbishop has answered Craig, that the Corporation would probably accept $18 per acre.* Dr. Glascow of this town [*Baltimore*] *approaches with some intention of buying. The archbishop asks that the Corporation will back him in securing for the pastor of Harford* a residence convenient to the Church; and will therefore authorize him to appropriate out of the money, arising from the sale of Deer Creek and Arabia Petroea, a sum equal to the cost either of the poor-house property, or of any other station near the chapel. With such security to preserve myself from injury, I have little doubt of being able to obtain the money wanted for the purchase; and, if I am to obtain it on behalf of the Corporation (tho

this must not be mentioned in the transaction), the property should be deeded to me, I giving my bond to the Corporation to convey the property according to their direction, as soon as they enable me to pay my note in bank for the money loaned on their account.

On the 2nd of May, same year, 1814, he wrote to express his concern about the security of the deeds, which ought to be at St. Thomas's, as well of the deed for about 30 acres of the worst part of it [*Paradise*], *as of that for the rest of* the tract, Paradise, the first of our acquisitions on Deer Creek. *He continues:*

G. 1814, May 2.

An application is made for the other tract, Arabia Petroea; and my opinion is to insist on $12 ℔ acre, if the applicant will take the whole tract. Thus, supposing it to contain 340 acres, which it certainly does, the money to be received for the whole will stand thus:

For Paradise	$4,200
For Arabia Petroea @ $12	$4,080
	$8,280

It will be necessary for you, after ascertaining the case of the deed for Paradise, to come up; the other is in my keeping. It is desirable for you to go to Deer Creek about bargaining for a settlement near the chapel, and at the same time giving spiritual assistance to the congregations.

Some months later, in a letter to the Superior Father Grassi, the archbishop complained of Neale's dilatoriness.

H. 1814, July 23.

Besides other things which suffer from his absence, a material point concerning the land lately sold on Deer Creek has long required immediate decision.

To the debit of Francis Neale appeared for this time in the archbishop's accounts, transmitted by E. Fenwick (1817):

J. 1814.

1814. To Sheriff's fees on account of the Clergy of Md., paid in Harford as per receipts $9.22

It was only Paradise that the archbishop had sold, asking $4200. What he did with part of the money he states in a letter to Grassi, on Aug. 25, 1815.

K. 1815, August 25.

Fearful that Mr. Francis Neale may not be returned from St. Mary's and Charles Counties, I desire you to inform him that I have purchased, for the benefit of the future resident at Deer Creek, in Mr. Neale's name, in the six % loan, $3,000; and otherwise placed $300 more on the same interest.

Of this transaction and its method, Francis Neale wrote seventeen years later to the Superior and Visitor of the time, Father Peter Kenney, (July 14, 1832):

L.

My absence from Baltimore obliged the buyer, one Glascoe, to deposite the purchase money into the hands of the Most Revd. Bishop Carroll, who deposited the same money into the bank in my name, I being then the Agent of the Corporation. The Bank paid the usual interest, which was ad interim paid to the missionary of Harford Church. This sum of money was the property of the Corporation under my guardianship, and subject to my order.

What became of the rest of the money received by Archbishop Carroll for the Deer Creek plantation, and what his interest as bishop consisted in, distinguished from his interest as Corporation Trustee, may be gathered from the statements of the procurator, Father Adam Marshall; from which will also appear what relation the Fathers had to this missionary station, originally their own, and intended for their renewed occupation. The plantation now sold was the very one purchased, *says Francis Neale,* by a bargain made by Bennet Neale, an uncle of mine, who was a missionary at Deer Creek Church, and lived on the plantation above mentioned, which he had purchased about five miles distant from said Deer Creek Church, *and on the condition that* Bennet Neale would allow the then proprietor lodging, board, and all things necessary during his life. *Marshall makes the following statements. First, to the General of the Society:*

M. 1821, March 5.

The church belongs to the Bishop, and is one of those missions, which Bishop Neale had agreed to give up to the Society, and the present Archbishop [*Marechal*] took away again.

Then to Archbishop Marechal, the procurator says:

N. (1821, June.)

So far was he [*Dr. Carroll*] from thinking with your Grace and your witnesses, that Deer Creek farm was a property consecrated exclusively

to the support of Harford congregation, that he made no scruple of applying a portion of it to the purchase of the new burying ground of your cathedral, and of retaining another portion of it in his own hands till his death.

In his Statement of Jesuit Accounts, made in January, 1824, to the Superior of the Mission, Francis Dzierozynski, the same procurator treats of the

O. 1824, January.

Revenue that may probably be calculated on to meet the above debts and the current expences of the year 1824:

. . . D. Debt due from Mr. Daniel Brent, $1,000.^{00}$ . . .

D. This debt is a claim of the Corporation against Mr. Daniel Brent, as the heir and executor of Arch-Bishop Carroll. The sum is a part of the proceeds of the sale of Deer Creek farm in Harford County, remaining in the hands of Bishop Carroll (who sold it) at his death. Judgement has been obtained more than 16 months ago. Mr. Brent is very much embarrassed; and I am apprehensive that it never will be paid, unless his property is seized.

Here there are two matters stated; one, which appears throughout the Proceedings of the Corporation, *to the effect that Archbishop Carroll was the person principally engaged in the sale of Deer Creek, and in the assignment of the proceeds to other temporary purposes, subject, however, to the Corporation's rights; the other, that at some time before September, 1822, a public judgment had been rendered against the executor of Archbishop Carroll (deceased, December, 1815), for indebtedness to the Corporation on the said account. This test at law had many bearings (cf.* No. 121, note 5).

Md.-N. Y. Province Archives, 1814, Feb. 14, Carroll to Francis Neale, Letter 148. Ibid., 1814, May 2, same to same, Letter 154. Ibid., 1814, July 23, same to Grassi, Letter 162. Ibid., 1815, Aug. 25, same to same, Letter 185. Ibid., Bb, *(1817), Enoch Fenwick, executor of Carroll, to Francis Neale, debit and credit. Ibid.,* Cc., *1824, Adam Marshall's Statement, 6 ff. small writing, endorsed,* f. 6^{v}: Accepi 23 Januarii, 1824. Coll. Georg. Franciscus Dzierozynski. *Ibid.,* T, *1832, July 14; a copy by Dzierozynski of Neale's statement to Kenney about Deer Creek. Ibid.,* T, *original draft of (Adam Marshall's) answer of the Trustees to the Archbishop of Baltimore (1821).—General Archives, Maryl. Epist.,* 6, i., *same in Italian,* circiter Junio, 1821. *Ibid., Maryl. Epist.,* 2, ii., *Adam Marshall's Statement of Finances to the General, 1821, Mar. 5.*

No. 88. **1816–1822.**

Deer Creek: sale of the rest of the plantations. *On April 3, 1816, Archbishop Leonard Neale, successor to Archbishop Carroll, signed*

A. 1816, April 3.

An Arrangement made by the Most Rev. Leonard Neale, Archbishop of Baltimore, with the Superiour of the Society of Jesus, regulating the Missions of the said Society within his Diocese.

The Most Rev. John Carroll, late Archbishop of Baltimore, intended to determine together with the Superior of the Religious of the Society of Jesus in North America what stations or missions were to be assigned, to be permanently under the spiritual care of the Religious of the Society of Jesus, according to their Institute. But as, by his continual occupations, and at last by his lamented death, he was prevented from doing it in an authentic manner, his successor *now does it by the present instrument:* . . . the missions and congregations of . . . Harford . . . with their dependencies are now restored, as formerly [*they*] were, and put again permanently under the spiritual care of the Religious of the Society of Jesus. . . .

In confirmation of this mutual agreement, which is intended to have the force of an instrument regulating in future, this writing is signed by both parties. Georgetown, District of Columbia, April the third, A.D. 1816.

+Leon^{D} Abshp. of Balt^{re}

J. W. Beschter
Secret.

John Grassi, Sup^{r} of the Religious of the Society of Jesus in North America.

Md.-N. Y. Province Archives, B, *large 4to parchment, signed autograph by the parties. Infra*, No. 189.

On Sept. 27 (1816?), the Rev. R. Smith, stationed at Deer Creek, sent a pressing letter to Francis Neale, asking for the residence, which had been projected at his mission, and threatening to let everything go to rack, before I meddle or interfere, *if not conveniently lodged* (No. 176, C). *The Corporation, on Feb. 14, 1816,*

B. 1816, February 14.

resolved that the Rev. Roger Smith, who at present attends a congregation in Harford County, shall be allowed Two Hundred Dollars, in lieu of One Hundred and Eighty allowed him heretofore, to be paid him in the manner following, viz. $180 in quarterly payments from funded stock and the Balance (20) from the rents of Arabia Petraea when received.

The $3000 having been invested by Archbishop Carroll in 6 per cent. stock, the $180 thus allowed Roger Smith from that stock was evidently the entire income of the same. In August of the same year, the Corporation saw an opportunity of selling the remaining plantation, though at a low rate (1816, Aug. 20).

C. 1816, August 20.

The agent having been offered $8 per acre for the land of Arabia Petrea is authorized to accept the offer, as he shall think it proper.

Md.-N. Y. Province Archives, T, *R. Smith, Seminary of Baltimore, Sept. 27, no year, to Rev. Mr. Francis Neale, Georgetown* (*cf.* No. 176, C). *Ibid.,* Proceedings of the Corporation, ii. 11 (*cf.* No. 180, C, 1º). *Ibid.,* ii. 17.

The third Archbishop of Baltimore, the Most Rev. Ambrose Marechal, succeeded Dr. Leonard Neale in June, 1817, and he declined to observe the Arrangement or Concordat recently made,[22] *as the list contained more than half of the parishes in his Diocese.*[23]

D. 1822.

Jamais je n'ai été plus surpris qu'en voyant cette liste. Elle contient plus de la moitié des paroisses [*de*] mon Diocese. Cependant les craintes à la vue de cette liste s'évanouir[*ent*] en observant que cette [!] ecrit estoit passé entre le P. Grassi et mon Ven. Prédecesseur sans lier leur successeurs respectifs.

Georgetown College MSS. and Transcripts, Marechal Controversy, 4to autograph notes of Mgr. Marechal, containing ff. 55; f. 11ᵛ, *in* Notes sur l'exposition présentée par le P. Fortis (*Rome, March–May, 1822*).—*Here in these* Notes, *drawn up for the Cardinals of the Propaganda, attention is not directed to the fact that the Jesuits, at the time of Archbishop Neale's Concordat, were more than one-third of the clergy in Maryland. Cf. infra,* No. 190, Catalogus Sacerdotum in Dioecesi Baltimorensi, 1818. *See* No. 119 [*XI.*], p. 458.

Between the 22nd of Aug., 1820, and Mar. 5, 1821, the agent or procurator of the Jesuit Corporation sold the stock of $3000 U.S. bonds, and applied the proceeds to the Jesuit seminary. Francis Neale explains the transaction thus:

E. (1820–1.)

In order to help the payment of this great debt [*of 30,000 dollars*], I assisted the then Agent, Mr. Adam Marshall, by giving him a control over the sum total deposited in the bank, which he sold for ready money, and liquidated a part of the debt of the Corporation. This, Sir, is the history of the 3000 dollars obtained from the sale of the estate of Deer Creek. It belonged not to Harford Congregation, but it did belong to the Corporation, and was actually its own property.

Adam Marshall, writing to the General at the very date, states, in a passage already partly quoted (No. 87, M), *that*

F. 1821, March 5.

the Archbishop [*Marechal*] considered himself as the guardian of this fund, and demanded an explanation of the reasons for withdrawing it,

[22] No. 191. [23] No. 119, [*XI.*].

which I declined giving him. The priest who then attended Harford was a secular; the church belongs to the Bishop, and is one of those Missions which Bishop Neale had agreed to give up to the Society, and the present Archbishop took away again.

Among the items of sale in his Statement, the procurator includes this:

G. 1820–1.

Since the 22nd. of August, 1820, I have received: By sale of U.S. stock, $3,201.23.

Md.-N. Y. Province Archives, T, *1832, July 14, Neale to Kenney, as above.—General Archives, Maryl. Epist.,* 2, ii., *Marshall's Statement, 1821, Mar. 5, as above,* p. 300.

On Aug. 8, 1821, there was held a meeting of the four Trustees, and, after the reading of the minutes, the second and third resolutions, which comprised all the business of the occasion, were as follows:

H. 1821, August 8.

2d. The certificates presented by the M. R. Arch Bishop of Baltimore, the purport of which is to prove that there exists on the part of the Corporation a conscientious obligation to apply the proceeds from the sale of Deer Creek exclusively to the support of the attending clergyman of Hartford Congregation, having been read and minutely examined, [*the members of the Board*] resolve as follows: 1º That the said certificates, taken in conjunction with other arguments urged by the M. R. Arch Bishop and others concerned in the affair, are quite insufficient to establish the claim, and [*2º*] that they are justified in applying the property in question to the use of religion in any manner they may judge proper. [*Resolve*] 3dly. That the agent be authorized and is hereby directed to take the most speedy and effectual means to ascertain the titles of all our real property in this or any other State, the different offices in which the deeds or wills are recorded, and report the same to this Board.

Signed: Anth. Kohlmann, Charles Neale, Francis Neale, Leonard Edelen.

In the following year, 1822, on Nov. 20, the last portion of the Harford Co. estate was disposed of to Mr. Thomas C. Stump.

J. 1822, November 20, 21.

2º Resolved, that the Rev. A. Marshall, the present agent of the Corporation, be and he is hereby authorized to sign a deed to convey the land of Arabia Petrea. . . .

Signed: Charles Neale, Francis Neale, Leonard Edelen, Joseph Carbery, B. Fenwick.

Supplement to the above meeting.

Present the Rev[d] Francis Neale, the Rev[d] Leonard Edelen, the Rev[d] Joseph Carbery, and the Rev[d] B. Fenwick.

Nov. 21st, 1822. Resolved, that the following power of attorney be given to our agent, the Rev[d] Adam Marshall:

"We, the subscribers, the Trustees of the Corporate Clergy of Maryland, do hereby appoint and constitute the Rev. Adam Marshall our true and lawful attorney for us, to acknowledge before some person or persons having authority to acknowledge the same the deed of conveyance executed by us to Mr. Thomas C. Stump of two parcels of land, the one a part of a tract of land called Arabia Petrea, lying and being in Harford County, State of Maryland, the other a part of a tract called Conveniency, adjoining the aforesaid tract, and being in the County and State aforesaid.

"In witness whereof we have hereunto set our hand and the seal of our Corporation, this 21st. day of October[!], 1822."

Md.-N. Y. Province Archives, Proceedings of the Corporation, ii. 36, 45, 46. *Cf.* No. 129, 1º *Ibid.*, Cc, *1824, Marshall's statement to Dzierozynski*, p. 5, *e:* Debt [*still*] due from Mr. Stump [*till* 14th of next Dec[r]], $ 355.[00].

No. 89. March–September, 1821.

Deer Creek: the certificates and the counter-declaration. *The third Archbishop of Baltimore wrote on the 1st of March, 1821, to the Rev. Francis Neale, saying:*

A. 1821, March 1.

. . . I come now to the business of Harford, and may it be settled so as to put an end to the scandalous discourses to which it give[s] occasion!

i. Certainly the Corporation cannot reasonably require, that it be proved by an instrument of writing that the donor left his property for the benefit of the series of Priests attending the congregation of Harford; since the existence of such an instrument would have exposed his donation to be defeated, according to the iniquitous laws existing in 1764.[24]

ii. But there do exist numerous proofs that such was his intention. I will content myself to cite a few of them.

[24] *Compare an identical statement with respect to claims on the Jesuit property of White Marsh: that the claimant must not be asked for written documents to establish his claim.* No. 116, C, 3, p. 409. *The General's answer is given*, No. 116, D, §§ 26–28. *Cf.* No. 135, note 45.

1. Mr. Pat. Bennet. 2. Messrs. Thomas, William and Edward Jinkins. 3. Mr. Thomas Hillen [Millen?]. *4. A certificate signed in Harford. Marechal's rendering of their affirmations.*

I might bring you many collateral proofs of the same fact.

But I hope that the Corporation will reflect seriously upon the subject and stop the mouths of those who loudly accuse it of a notorious and scandalous injustice. Justitia elevat gentem; and I am sure you would look upon [*it*] as a great misfortune to enrich the Society by the breach of a religious trust. I remain respectfully, Rev. and Dear Sir,

Y**** +Ambr. A. B.

Md.-N. Y. Province Archives, T, *Ambrose, Archbishop of Baltimore, from Baltimore, 1 Mar., 1821, to Rev. Francis Neale, St. Thomas's, about the Eutaw Street property, and these certificates, 3 pp. 4to autograph. See* No. 184.

The answer of the Trustees was received by the archbishop, who wrote again to Father Francis Neale, at St. Thomas's Manor; and the latter, on receipt of this acknowledgment, sent word in the following terms to Father Adam Marshall, on Sept. 25, 1821:

B. 1821, September 25.

Rev. and Dear Father,

Last evening I received a letter from the Arch Bishop, informing me he had just finished reading the answer of the Trustees; and requested me to send him back the certificates he put into my hands, together with Mr. Kohlmann's letter.

I must beg of you, My Dear Sir, to be carefull to assemble them together with said letter and carefully direct them to the Arch. Bhp.: Let not one be wanting, that he may not say, we have suppressed them. . . .

Owing to one cause or another, it so happens that we have the certificates safely filed among the documents of the archives which Adam Marshall left. In fact, he mentions the circumstance in his Statement of accounts, made to the Superior Dzierozynski in 1824:

C. 1824.

. . . The nature and grounds of the violent complaints made by the present Arch Bishop are found in a collection of letters and papers in my possession, together with the answers to them. . . .

Md.-N. Y. Province Archives, 1821, Sept. 25, Francis Neale to (Adam Marshall, who endorses the letter). Ibid., T, *Deer Creek, Harford Co. papers, a collection of about a score of certificates. Ibid.*, Cc, *Marshall's Statement, 1824*, p. 7.

The original character of the certificates, *as they were called, is sufficiently sketched in the answer of the Trustees, who analyze these papers.*

Treating all together and several in particular, without excluding the four specially referred to as specimens in the Bishop's letter of Mar. 1, the Trustees characterize the so-called certificates in the following terms :—

D. 1821, (September).

Tho we fear that we have already intruded too long on your time and patience, yet as you entertain so high an opinion of these testimonies, we should be wanting in respect for your sentiments did we pass them by without some notice; we will therefore beg your leave to take a short review of them. Some of the persons whose names are attached to these certificates are personally known to us, and we acknowledge them to be most respectable. Their certificates are such as might be looked for from unexceptionable characters in a case like this; they testify to what is their impression on the subject in question, what they think or have thought of it, and what they have heard others say: they do not testify as to their personal knowledge. . . . But such evidences are not, in any tribunal known to us, received as demonstrative proof, where property is in question. The first thing that struck us in reading over these certificates was the incongruity which appeared between them and your own pretentions, manifesting a great want of information in the certifiers. Your Grace contends only for 105 acres of the said land, as having been left by Mr. Shea for the support of the Harford Mission, whereas all your witnesses, except one, extend the claim to the whole of the land without exception. Now, it would appear to us that, if these witnesses are sufficient to prove demonstratively that 105 acres of this land is a sacred deposit for the support of said Mission, they should prove to an equal demonstration that the whole is such. Again, the certificate just excepted, and which appears to come from a gentleman who must have had good opportunities to inform himself on this affair,[25] informs us that the donation of Mr. Shea consisted only of 100 acres. This gentleman also testifies that more was purchased to it afterwards. Now your Grace, in your letter of the 21 April last tells us, that it consisted of 105 acres; and the purchase, which your witness places after the acquirement of this donation, you in the same letter placed 14 years before. . . . And it may not here be improper to remark that, among all these people who have heard so much from others, there is not one who heard anything on the subject from Mr. Shea himself, tho four at least of them declare that they were personally acquainted with him. And is it reasonable to suppose that, if the fathers and mothers and other aged relatives of so many individuals heard this Mr. Shea say, that he left his

[25] *A. J. Greme, cited above*, No. 84, C.

property for the use of the congregation, these four personal acquaintances of his could have been the only persons that never heard him say a word about it? Certainly your Grace cannot be serious in your attempt to persuade us, that these certificates prove to a demonstration, that Mr. Shea left his property for the use of the Priest of Harford congregation. . . .

Adam Marshall, the writer of this paper, alludes but lightly to a circumstance which, at the very same date he mentioned plainly to the General, that Mgr. Marechal had repudiated the agreement made with due formalities by Mgr. Neale with Father Grassi, and had thereby ended the Jesuit management of Deer Creek, severing all connection between the Jesuits and Church matters in a place no longer theirs:

E.

Your Grace has likewise sent us a certificate, informing us that the Rev. Mr. Francis Neale had been in Harford County, for the purpose of purchasing a farm for the use of the Priest attending the congregation of that county, and that he told the certifier, that $3000 of the money received of Dr. Glasco should be appropriated to that purpose. This was then the intention of our Corporation; and we would be equally disposed at present to put this project into execution, did the state of our affairs permit it. As soon as we are disengaged from our present difficulties, and we find ourselves able, with justice to our trust, to spare as much money as may be necessary for this object, we will be disposed to effect it. But, whatever purchase we may make in Harford County or elsewhere, will be made for ourselves and not for others . . .

At the beginning of the document certain principles are affirmed as to matters of fact and of right:

F.

We beg leave to make the following declarations: That we are the legal and conscientious possessors of that property, which was formerly and before their Suppression possessed by the members of the Society of Jesus. That we are in the same manner possessors of any property, which may have been acquired, whether by donation or purchase, by any of the members of the said Order in this country after its Suppression and conveyed to us either by will or deed. That we do not, to our knowledge, possess any property to which we have not a full right in law and equity, as having been originally purchased or received in donation by our predecessors, and either handed down to us by them in the same manner in which property is legally conveyed, or secured to us by the Act of our Incorporation. That we deem ourselves in conscience bound to

apply every part of this property to the use of religion, according to the rules and institutes of the Society of Jesus (this being the object of the original possessors), as far as is consistent with the laws of the country; nor can we apply it even to religious purposes in any other manner. And, lastly, that we consider ourselves most strictly bound to protect said property against encroachments of whatever kind or from whatever quarter . . .[26]

Md.-N. Y. Province Archives, T, *original draft or copy, as above, written by Marshall, consisting of 6 pp. fol. and 3 lines;* pp. 4,'5, 6, 1. *Some one, with later black ink, has gone over the whole, marking in the margin the exact number of lines in each page, not counting the many erasures. An Italian copy is in the General Archives S.J., Maryl. Epist.*, 6, i. *The English is endorsed, possibly in McSherry's hand:* Answer of the Trustees to the ArcB. of Balto refusing to deliver to him the money received from the sale of Deer Creek Farm. Written probably in 1821. *The Italian is endorsed:* Circiter Junio, 1821. *As noted above, the receipt of this document was acknowledged by the Archbishop at the end of September, 1821* (*supra*, No. 89, B).

The Trustees went about revising their deeds, and selling Arabia Petrea, the last portion of their plantations in Harford County. A year later they signed a power of attorney for their agent Adam Marshall, enabling him to sell.[27] *Six days after that act, they received from the archbishop the authentic copy of a Brief, which he had just brought with him from Rome. It signified to the Jesuits that he was now the owner of their two thousand acres at White Marsh, but that all the debts due from that estate remained for them to pay.*[28]

No. 90. **1759, April 2.**

Concordata between Maryland and England: debts and obligations to the parent Province. *Father George Hunter, Superior of the American Mission, being in England, an adjustment of money accounts was made between him and the English Provincial, at a time when, owing to a variety of causes, the parent Province was in great distress.*

Concordata betwixt Mrs. Province and Mrs. Mary– – –d, settled the 2d April, 1759.

[26] *Cf. the citation of this passage by the Father General Fortis to Marechal, Rome, 4 February, 1822*, No. 116, D, § 26; *Marechal's answer*, No. 117, F.

[27] No. 88, H, J.

[28] *Cf.* Nos. 123, 182, 205.—*For the use made in various documents of the Deer Creek case, see some specimens*, No. 108, D, *a* sacrilege deliberately committed *by the Jesuits;* No. 117, F, *the Jesuits* sacrilegii rei; No. 120, 3a, *the money value of the Jesuit property there being* sublatus, *purloined, by the Jesuit procurator;* No. 133, A, *med.*: Le P. Marshal, qui a enlevé trois mille piastres appartenant a la pauvre mission d'Harford. *Cf.* Nos. 117, F, note 20; 129, A, 1º, note 1; 139, *ad* note 7.

1º Mrs. Maryland's debt, attested by Mr. Poulton to have been remitted by Mr. Bolt Provincial,[29] to remain remitted, leaving it to her generosity, when in her power without hurting herself, to indemnify Mrs. Province for past expenses, but shall not be demanded as a debt.

2º The ballance or debt, contracted since Mr. Bolt's time, to be duely paid to Mrs. Province before the end of December 1762, after which time what remains unpaid shall carry 5 ℔ cent. interest for the future: and for every hundred pound discharged within the same term 5 ℔ cent. discount shall be allowed to Mrs. Maryland.

3º Mrs. Mary– – –d out of the annual sum of 200£ to be levy'd annually upon her several settlements for the general good and advantage of that Mission [*shall bea*]r [?] for the future the whole expense of such her subjects who go to or return home from America.

4º Mrs. Mary– – –d engages to lodge in Mrs. Province's hands, in cash or goods, what is sufficient to equip and send fresh supplies into America or any otherwise.

5º Mrs. Province shall allow 5 ℔ cent. for all moneys lodged in her hands, and will charge Mrs. Mary– – –d 5 ℔ cent. likewise for disbursements she may at any time be obliged to make over and above what was lodged in her hands by the precedent article.

6º Mrs. Mary– – –d by timely draughts or otherwise will empower Mrs. Province to receive here [*viz. in London*] 80£ ℔ an., Sir Jno. James's foundation for Pensylvania, to answer life rents or other contracts, charging herself [*Maryland*] with the payment of the same sum in Pensylvania.

HENRICUS CORBIE, Prov[l]
GEO: HUNTER, Spr[r]

Md.-N. Y. Province Archives, 3, *an ancient copy*, pp. 6, 7, *in the same series with the* Heads *and* Ordinations *of the Provincial, Henry Corbie, under the same date.—Cf.* No. 56; *also the Ashton-Strickland controversy*, No. 150, E–L, G²–P².

No. 91. 1765–1780.

Fredericktown and environs. *A memorial sent to Rome by Charles Neale and Benedict Fenwick, on Nov. 22, 1822, contains the following account of some lots in Frederick Town:*

A.

. . . VII. Also some lots in Frederick Town: First, lots Nº 97, 98, 99, being sixty feet in width and three hundred and ninety-three in depth.—They were purchased, as the deeds show, by George Hunter in 1765 of John Cary for five shillings sterling, subject always to a ground rent. Secondly, lot Nº 96 equal in width and depth to the former. This lot lies south of

[29] No. 52.

the church, and was purchased by James Walton, 17 Nov. 1779, of Benjamin Ogle Junr for the sum of five hundred pounds, current money. Thirdly, lot Nº 94, the same in width and depth, was likewise purchased by James Walton of Ann Ghiselin on the 28th. of March, 1780, for £300 current money.

General Archives, Maryl. Epist., 6, ii., *original, signed by Charles Neale,* Totius Foederatae Americae Missionis Superior, *St. Thomas's Manor, Nov. 22, 1822,* No. vii.—*Cf. Georgetown College MSS. and Transcripts, Marechal Controversy, under date; original draft in the hand of B. Fenwick, S.J., 48 pp. 4to.*—*Cf.* No. 167, B, *Hunter's wills.*—*Frederick city was founded in 1745.*

B. 1815, May 7.

Rev. J. Du Bois, Mount St. Mary's Seminary, May 7, 1815, to Rev. Mr. Malevé, Rector of St. John's, Fredericktown.

He has heard from Miss Vincendiere of Malevé's concern about the ownership of a certain stone house in Frederick. Dubois explains at length that there were two pieces of property, both having belonged to Father Walton (for the benefit of Father Frombaugh); *but, with the permission of the same proprietor, one,* a stone house in one of the back streets, *had been sold to the Vincendieres for $100, and the balance, after debts paid, assigned to* the church or any pious purpose, *while the other,* the lot before the house, *having been bought in Mr. Frambach's time, had been legally conveyed at a later date, and through the carelessness of the vendor, Mr. Miller, had been put in Dubois' name.*

C. 1816, June 19.

Proceedings of the Corporation, June 19, 1816, Georgetown.

Resolved . . . 3rd That the Rev. Mr. Malevé is directed to have a deed prepared of that lot which is before the presbitery of Frederick Town, and send it to Rev. Mr. Dubois to be executed.[30]

D. 1816, July 6.

Father Francis Malevé, S.J., pastor at Frederick, July 6, 1816, to Francis Neale, Georgetown, on some transactions of the former pastor, Dubois:

Rev. and Dear Sir, P.C.

I found in the office the deed to Rev. Mr. Walton of St. Mary's County of the same town [?] lot. It was deeded to him by Mr. Goff, a barber of this town, who sold him in fee-simple for two hundred and twenty pound current money, on the 3rd. day of November, 1780, and on condition to pay unto Daniel Dulany, Jun., Esq., the yearly rent of twenty-five shillings for the said lot, on the first day of October, and to his heirs, etc. So the deed is.

So it appears that Mr. Frombach and Mr. Walton paid, as agent of the Society at that time suppressed. But he holds the land, as you now hold many land[s]. The money at that time was of no value almost.

[30] *Cf.* No. 180, F, 3º

The lot now is advertized to be sold. And I found at the office the overseer of these ladies [*Vincendiere*], to whom Rev. Dubois sold it, coming to get the deed recorded, since 15 days about. I intend to speak to those ladies and to let them know, that the lot was bought by the Church and for the Church; and that, if Mr. Dubois has sold it to them and has obtained a deed from Mr. Walton, it was formerly bought with the money of the Jesuits [*who*], altho suppressed, still kept together their lands and money as in a body, but not as particular members; and consequently that the lot ought to return to the Church, after having paid what they have given for it. . . .

In Malevé's time, the events of barely fifty years before had faded away into very ancient history, the thread of tradition having been broken off by the Suppression. Thus, Father John McElroy, S.J., wrote in 1844 to the Provincial, Father James Ryder, exemplifying what a critic remarks on a similar paper of his: Not to be depended on, except with respect to Fr. McElroy.

E. 1760–1822.

In reply to yours (without date) received this day I answer to your interrogatories: When was this Mission founded? etc. From what I learned from an old resident on my arrival here, Father Williams, an Englishman (a Jesuit), erected a house, which served for chapel and residence, about the year 1760. His successor was Father Frombach, a German; of him I know nothing. He was succeeded by Rev. John Dubois (late Bishop of New York), who commenced the first church in Frederick in 1800, had the walls raised and roof on in 1811,[31] when he was succeeded by Father Malevé, a Belgian. . . . He [*Malevé*] died in October, 1822. During his life several lots of ground were given to him for this mission, which, together with the lots procured by Father Williams amount to about 20 acres in town and immediate vicinity; also 55 acres mountain land, 5 miles distant. Father Malevé was succeeded by Father McElroy in 1822. . . .

Md.-N. Y. Province Archives, Proceedings of the Corporation, ii. p. 14. *Ibid.*, H, 157½, *F. Malevé, July 6, 1816, to Neale. Cf. Ibid.*, Bb, *J. DuBois, May 7, 1815, to Malevé, 3 pp. 4to; on the property in question, cf. infra*, No. 176, A: *Dubois, 5 June, 1798, to the Corporation. Ibid., carton 7 (G. Fenwick?) on McElroy's account, 1835. Ibid.*, 3, *McElroy to Ryder, 27 Sept., 1844, 2 pp. 4to.*

The Frederick residence, having no plantation to maintain it, contributed no quota to the general fund, but, on the contrary, was maintained by allowances from the fund. In this respect it seems to have

[31] *McElroy's dates here are incorrect. The Rev. Mr. Dubois was at Mount St. Mary's College, Emmitsburg, from about 1809 till 1826. Cf.* No. 176, D; *also* St. Mary's Seminary of St. Sulpice, Baltimore, 1791–1891, *Memorial Volume*, p. 48.

differed from a similar residence at Lancaster, in Pennsylvania, as may be seen in a subsequent Number.[32] *Father George Hunter's statement of the annual subsidy is obscure. Reporting on July 22, 1765, to the Provincial Father Dennett, he says :*

F.
6ª Missio S^{t} Stanislai—vulgo Frederick-town.
Missionarius unicus. 3 lotts in the town unsettled.
Annual allowance out of yearly *Quotas from the Superior* .. 30 : 0 : 0.[33]

This last clause in italics is crossed out in the original. But almost at the same time Father Hunter's day-books report :

1767, Feb. 20. To Rev. Mr. Williams for Frederick, £25 Currency 15 : 0 : 0
.. ..
.. ..
[*1767*] Sept. 9. To Rev. Mr. Williams, £121 : 0 : 0 currency 72 : 12 : 9
146 : 7 : 10¾, *etc.*
.. ..
1769, Jan. 2. To Mr. Walton at Frederick, £25 Currency 15 : 0 : 0

Then, from 1770 to 1777, Mr. Frambach's salary *is entered pretty regularly into the accounts, and it seems to be £50 : 0 : 0 per annum, not to mention such absolute charges on the Mission as :*

1777, June 12. To Rev. Frambach for a stable at Frederick 36 : 0 : 0

Md.-N. Y. Province Archives, carton DB, *G. Hunter's Day-Book*, 1, ff. 22–24 ; *G. Hunter, et alii*, 2, f. 31.

This was certainly carrying the principle of disinterested service far, when missionary settlements were charged not only with the maintenance of their own public worship, but also with that of such other stations as were reckoned incapable of supporting themselves except at the cost of the congregations. But there is no mistaking the principle put in practice, for which reference may be made to Father Hunter's statements in the same report.[33] *And the application of the principle throws additional light upon the industry displayed in acquiring plantations or farms, and attaching them to new centres.*

Father Malevé mentions, in 1810, an offer of ground for the perpetual service of the missionary at Frederick ; but the conditions of the

[32] No. 106, 3ª. [33] No. 97, 6ª ; *Ibid.*, p. 337, 4º.

offer are even less attractive than those of Thomas Shea's contributions to Deer Creek; and, if the Corporation accepted such conditions, it is clear that the Board owned the ground for the service of its own missionary at Frederick, and for nobody else.

G. 1810, August 17, 30.

F. Malevé (Frederick), Aug. 17, 1810—Joseph Smith, Aug. 30; to Francis Neale, President George Town.

The chief business of Malevé is about Mr. Samuel Lilly's offer of 11 acres of very rich ground, for the support of the Missionaire of Frederick, if the Corporation or some body of them, will give him 30 pounds every year till he lives [!]; he is 75 years old, and his sister 85 years old; he will give now 50 or 52 acres of woodland 5 miles from Frederick, for that purpose, if the Corporation or, etc., gives him 200 dollars in this time. *Lilly has debts to pay. Mr. Joseph Smith writes endorsing the proposal.*

Md.-N. Y. Province Archives, 1810, Aug. 17, 30, Malevé—Jos. Smith to Francis Neale.

Whatever came of this offer, it is to be noted that the Rev. John Dubois had nothing whatever to do with it, having severed his connection with this mission. On these Jesuit affairs, and the introduction of Dubois' name into them, see above.[34] *His own relations with the Corporation were most correct.*[35]

No. 92. **1764–1806.**

Old St. Peter's, Baltimore: acquisition of the property by the Jesuits.

This parcel furnishes a sample of how history is made and unmade even while eye-witnesses and actors are still alive.

A. 1764, June 4.

1764, June 4. Charles Carroll deceased left by will, Dec. 1, 1718, all lands, etc., in Baltimore County, to his sons Charles and Daniel. The latter, by will of April 12, 1734, authorized Charles Carroll to sell for him the lands, which should not in any one tract exceed 500 acres. Wherefore the said Charles Carroll, by indenture of the 4th of June, 1764, sells to George Hunter the lot N° 157, lying in Baltimore town. The sum paid by Father Hunter is £6 sterling. And the deed is recorded next day.

[34] No. 78, note 6; No. 119, [xr].

[35] No. 176, A: *Dubois' letter of 5 June, 1798, asking for permission to sell a Frederick lot belonging to the Corporation.*

Under 1765, Father Hunter enters into his own Day-Book:

B. 1765.

By Secretary's Account, for recording deed from Carroll of a lott in Baltimore Town: Curr^{cy} Tob^{co} 39.

Md.-N. Y. Province Archives, A, 1º, *original deed, executed; recorded* DD, No. 3, fols. 345, 346, *Provincial Court Records. Ibid., carton* DB, *G. Hunter's 1st Day-Book*, f. 12.—*Cf. Georgetown College Transcripts: (1789) Rev. John Carroll's Answer to Smyth*, f. 7, *where his sketchy account of Catholicity and its beginnings in Baltimore is not exactly corroborated by the documents here.*

In Hunter's will of 1769, May 31, by which John Lewis is left chief heir, and in that of 1778, July 22, wherein James Walton is first heir, the same piece of property appears as

C. 1769, 1778.

My lot of ground in Baltimore Town in Baltimore County.

On Oct. 3, 1793, when James Walton made his declaration of trust for the new Corporation, he had

D. 1793, October 3.

Two lots of ground in Baltimore Town, Baltimore County.[36]

Md.-N. Y. Province Archives, F (G), *Wills and Declarations, originals and authentic copies. See* No. 167, A, B.

E.

On lot 157, in Hall's addition, 1754, to Baltimore Town, stood St. Peter's erected about 1770, and supposed to be the first Catholic Church edifice erected in Baltimore. It stood there till 1840, its site being subsequently occupied by the Calvert Hall of the Christian Brothers. The dimensions of lot 157 are as follows. Beginning at a point on the north side of Northwest St. (now called Saratoga St.) 6½ perches from the intersection of the west side of Charles St. and the north side of Northwest or Saratoga St., running thence west on Northwest St. 6¼ perches to Little Sharp St., formerly Forrest Lane, thence north on Forrest Lane to the ground of the Trustees of the Roman Catholic Church in the Town of Baltimore, thence east 4 perches, thence north 10 perches to place of beginning. The transfer of this property in 1822 was the last which conveyed it as a whole, the lot being subsequently divided into portions.

From the plats, description, brief of deeds, etc., supplied us by the courtesy of Charles W. Milholland, Baltimore.

Adjoining lot 157 lay 156 of about the same size, the two making a block. On Jan. 6, 1806, for the consideration of 5 shillings, Charles Carroll of Carrollton conveyed to the Rt. Rev. John Carroll this lot, Nº 156. St. Peter's, on lot 157, was the church which,

[36] No. 167.

as bishop and archbishop, Dr. Carroll used; and his Rector there, from 1811 onwards, was Father Enoch Fenwick, S.J.

In taking measures to build a cathedral, the bishop negotiated a loan, of which he speaks in his will.

F. 1815, December 6.

Amid the ecclesiastical trusts, comes N^o^ 4, the leasehold property on Eutaw St. subject however to the payment of two hundred dollars in each year, for the years successively, expressed in a sealed paper signed by me and to be placed in his hands [*i.e. Bishop Leonard Neale's*]. . . . But, as I consented, at the desire of the trustees of Saint Peter's Church to give a mortgage on this lease in Eutaw St. as security for a sum of money, borrowed for the use of the cathedral church, which the said trustees by their voluntary resolution agreed to pay—till such payment be made, I charge this two hundred dollars annually on the remainder of my estate, real and personal, *excepting a certain trust for Boston.*

After the archbishop's death, we find in the statement sent by the executor, Enoch Fenwick, to Francis Neale, agent of the Corporation:

G. 1816, December 20.

Rev. Francis Neale: Contra Credit.

Dec. 20, 1816. By cash for ground rent, $200.

Md.-N. Y. Province Archives, H, 152º, *copy of J. Carroll's will, probated Dec. 6, 1815.* (*Cf.* American Catholic Historical Researches, viii. 52–56.) *Ibid.*, Bb, *E. Fenwick*, Baltimore, 1817, *to F. Neale, Georgetown* (*cf.* No. 87, J).

No. 93. **1808–1816.**

Old St. Peter's, Baltimore: measures taken to facilitate the erection of Baltimore Cathedral. *The steps taken by the Corporation consisted in offering their St. Peter's property, church, presbytery, and ground, as an offset to secure lots needed aside of the new cathedral church. The five members of the Corporation acted only as trustees of their property, not as proprietors, when dealing with the trustees of the cathedral. Two of the five members of the Corporation or Board were Archbishop Carroll and his Coadjutor, Bishop Neale. They were also two of the three appointed by the same Board to act as a committee for the conduct of the whole business. Sometimes the two bishops were practically the entire committee. And, as members of the Corporation, they signed the minutes. In view of the fact that there are at least two very*

different boards of trustees in the following transactions, that of the Jesuits is the only one to be called the Corporation. The other seems to have been named, at various stages, "Trustees of St. Peter's Church of Baltimore," "of the Roman Catholic Church in the Town of Baltimore," "of the Cathedral Square," or by other such descriptive title.

In the minutes of the ex-Jesuit Corporation, the project of the new cathedral appears in a resolution, just after Deer Creek, on May 24, 1803, where the Board present recommends this diocesan interest of the cathedral to the different managers as well as to the individual members of the Select Body, and desires them to promote the lottery instituted for that purpose (resolution 15ᵒ and last). The minutes are signed by the three Trustees in attendance, the two bishops and Bitouzey.[37]

In the following year, old St. Peter's is managed thus, all the Trustees being present, the two bishops, Pile, Plunkett, and Bitouzey:

A. 1804, April 25.

Proceedings of the Corporation, White Marsh, April 25, 1804.

6º The agent is hereby directed to pay 150 dollars towards the necessary repairs of the house and stable of the Clergy at Baltimore.

Then, at the first meeting immediately after the restoration of the Society, a plan is devised, with the help of the Corporation and by using their Baltimore property as a leverage, to shut out lay-trusteeism from the new cathedral; and here begins the final episode of old St. Peter's, how it passed out of the hands of the Jesuits.

B. 1805, July 9.

Proceedings of the Corporation, White Marsh, July 9, 1805.

7º Resolved that Bishop Carroll and the Rev. Francis Beeston [*pastor of old St. Peter's Church*] be authorised to make an agreement, in behalf of the Corporation, with the Trustees of [*new?*] St. Peter's Church of Baltimore, provided the cathedral church be erected on the lot occupied by the present church and presbytery. But it is expressly required that the Rt. Rev. Bishop Carroll and Rev. Francis Beeston reserve to the Bishop of Baltimore and this Corporation an exclusive right to the occupancy and management of the new presbytery to be erected, and all its appurtenances; and to the Bishop the sole appointment and government of the pastor or pastors and all ecclesiastical concerns in the proposed cathedral.

. . . *Signed:* +J. Bisᵖ of Baltᵐᵉ +Leonᵈ Neale, Bisᵖ of Gortyna, Robert Plunkett. G. B. Bitouzey.

[37] *Cf.* No. 87, B.

Here the members present and signing are the two bishops, one ex-Jesuit, and one secular clergyman. Carroll himself seems to have been secretary, or at least to have taken his own minutes, as we find them among his papers.

Md.-N. Y. Province Archives, Proceedings of the Corporation, i. 49, 51, 57. —*Baltimore Diocesan Archives*, D, 10, *Carroll's drafts of minutes.*

C. 1808, October 4.

Proceedings of the Corporation, Georgetown, Oct. 4, 1808.

4. Resolved that, to promote the finishing of the cathedral church, the Corporation, as far as depends on them, will agree to exchange their property in Baltimore city for equivalent property held by the Trustees of St. Peter's Church in the same city; and that Bishop Carroll and Bishop Neale and the Rev. Francis Beeston be a committee to treat on this business and report the terms of agreement to this Board; which, if approved by them, they recommend to the ratification of the Representatives.[38]

. . . *Minutes signed by the two bishops, Carroll and Leonard Neale, by Molyneux, Bitouzey, and Francis Neale; two of these being Jesuits.*

D. 1811, June 11.

Proceedings of the Corporation, Georgetown, June 10–11, 1811.

1. Resolved that the Rev. Mr. Betouzy be substituted to the late Rev. Mr. Beeston, as one of the committee appointed by the 5th [*4th ?*] Resolve of the Corporation at their meeting on the 4th of October, 1808.[39]

. . . *Minutes signed by the two bishops, Carroll and Leonard Neale, by Sylvester Boarman and Francis Neale; the last being the only Jesuit.*

E. 1811, September 17.

Proceedings of the Corporation, (Georgetown), Sept. 17, 1811.

1. The Arch Bishop and Bishop Coadjutor, being a majority of the committee appointed by the 1st resolve of the Corporation, June 10, 1811, report that they have had a meeting with the Trustees of St. Peter's Church, Baltimore, and had bargained to exchange with the said Trustees that lot of ground, on which the Church of St. Peter and presbytery now stand, for a property in cathedral square, and church to be ceded in fee simple to the Arch Bishop and his successors, as soon as the legal manner of effecting such exchange can be ascertained.

[38] *The* Representatives *were the Board of electors, representing the Select Body of Clergy, whose executive the Corporation was.*

[39] *Betouzy, whose name is spelt in divers ways, was a secular Priest, manager of White Marsh since 1802. Beeston, late Rector of St. Peter's, Baltimore, had been a Jesuit novice when the Society was suppressed, and had never entered the Order after its restoration in 1805. Cf.* No. 108, note 2.

Of the committee so reporting the two bishops were the whole, and of the meeting at which they reported they were two-thirds; and they sign, autograph as usual, with the third member, Francis Neale. On the other occasions they were two-thirds, one-half, or two-fifths, of the Corporation in session.

We pass over now to the resolutions taken by the Baltimore Board, or, as they were called, the Trustees of the Roman Catholic Church in the Town of Baltimore. And their minutes read as follows:

F. 1813–1816.

Copy of resolutions, etc., from the book of the Trustees of R. C. C. in the town of Baltimore.

Nov. 8, 1813. Resolved that Messrs. Williamson and Tiernan be a committee to treat with the committee of the Incorporated Clergy, for an exchange of the property which they hold, and on which St. Peter's Church is built, for certain lots in front of the cathedral on Charles St.

May 8, 1814. The committee appointed to treat with the Incorporated Clergy for the exchange of certain lots of ground request further time to conclude the business intrusted to them.

July 14, 1815. Resolved that a committee of three be appointed to make arrangements in concurrence with the Archbishop [who was present at the meeting],[c] for the exchange of property owned by him and the Incorporated Clergy of Maryland on Charles St. for a part of the Cathedral square to be hereafter designated; and that Messrs. Williamson, Laurenson and Walsh be the committee.

August 17, 1815. Mr. Williamson on behalf of [*committee*] appointed to confer with the Archbishop [present at the meeting],[d] respecting the exchange of the property of the old grave yard adjoining St. Peter's Church for a lot at the east end of the cathedral, reported that the gentlemen (lawyers) consulted by the committee on the subject had not yet given their opinion, and requested farther time.

Sept. 5, 1815. [The Archbishop present][d] Mr. Williamson from the committee appointed to confer with the Archbishop on the exchange of property reported that he had had an interview with Mr. Purviance (lawyer), to obtain his opinion relative to the most eligible mode of transferring to the Archbishop and his successors the lot of ground on the cathedral square; and that it is his (Mr. P.'s) opinion, that the only secure way of holding said lot is by obtaining an Act of Assembly for that special purpose.

January 15, 1816. Resolved that Rev. Mr. Fenwick and Mr. D[l] Williamson be a committee to prepare a petition to the General Assembly

(c) *The parenthesis is added by Laurenson to the minutes quoted.*
(d) *The parentheses put here in square brackets seem to have been added by Laurenson to the minutes quoted. As to the other parentheses, the text is not clear. The passages interspaced here are those underlined by Laurenson.*

of Maryland, to enable the Trustees to exchange the east end of cathedral square on Charles St. (to be vested in the Archbishop of Baltimore and his successors as such for a permanent residence for themselves and the officiating clergymen under them) with the Rev. Enoch Fenwick, legatee of the late Most Rev. Abp. Carroll, and the Incorporated Clergy of Maryland, proprietors of the old grave yard on Charles St. and St. Peter's Church adjoining for the same.

Md.-N. Y. Province Archives, Proceedings of the Corporation, *original minutes*, i. pp. 72, 76, 78. *Ibid.*, Ga, *P. Laurenson, Baltimore, 19 Oct., 1816, to Francis Neale, Georgetown, 3 pp. 4to; enclosing* Copy of resolutions, *etc., given above, with observations inserted as above, and with plat of cathedral property, 4 pp. 4to.—As to Laurenson himself, cf. infra*, No. 170, Q, *Carroll, Dec. 11, 1798, to Charles Plowden, on the recent arrival in America of a* Mr. Laurenson Jun.; *also* Nos. 170, C²; 174, C, 2°

G. 1816, February 16.

Proceedings of the Corporation, Georgetown, Feb. 16, 1816.

3. Be it resolved that the Most Rev. Leonard Neale, Arch Bishop of Baltimore, and the Rev. Enoch Fenwick are appointed a committee to transact the business expressed in a resolve passed in the year 1811, June 11th, relative to the property on which St. Peter's Church now stands in the City of Baltimore.

. . . *Minutes signed Feb. 19, by all the members of the Board: Archbishop Leonard Neale, the Jesuit Superior John Grassi, Francis Neale, Malevé, Edelen; no secular priests being thenceforth on the Board.*

H. 1816, October 10.

Proceedings of the Corporation, Georgetown, Oct. 10, 1816.

2. Resolved that the agent, [*Francis Neale*] to facilitate the execution of the resolve of the meeting of the 4th October, 1808, is authorized to make the legal transfer of the properties mentioned in the said resolve to the persons to whom the said properties shall be sold by the Trustees of St. Peter's Church of Baltimore.

. . . *The minutes which record that only a quorum was present to begin the meeting: Archbishop Neale, Grassi, and Francis Neale, are signed at the end by Grassi and Francis Neale, with the two who had been absent at the beginning, Malevé and Edelen.*

Ubi supra, Proceedings of the Corporation, ii. pp. 13, 18.

Meanwhile, in accordance with their resolution, the Baltimore Trustees took action, as Laurenson, in the passage just quoted (*supra* F), *proceeds immediately to state:*

J. 1816.

A law was obtained last session of Assembly to vest, as aforesaid, in the Archbishop and successors the whole of the ground at the east end of the cathedral on Charles St.; the law describes and

defines the limits of the ground, which including the whole ground, no mistake on the wrong side can be suspected (see plat on the other side).

March 7, 1816. A meeting took place, when, the bargain being supposed to be concluded, and nothing but the exchange of deeds necessary, which relying on your faith we had no doubt of, the following resolution passed with its preamble, viz. :

"The proprietors of the old graveyard on Charles St. (St. Peter's Church) having determined that the same shall be disposed of, for the purpose of aiding in the completion of the cathedral, and it being necessary to remove the remains of those interred therein before the ground can be disposed of to advantage, therefore—Resolved that the said remains be removed as soon as possible, that Rev. Mr. Fenwick give notice thereof in the Church on Sunday next, in order that such persons as choose may remove the remains of their friends and relations, and that Messrs. Laurenson and Walsh be a committee to superintend the removal of such as may not be taken by their friends, and that the expence thereof be paid out of the cathedral funds."

This has been done.

I certify the above to be true extracts.

P. Laurenson.

Ubi supra, Copy of Resolutions, *etc., by Laurenson, attached to his letter of 19 Oct., 1816, which follows here.*

On learning of these proceedings, whereby the property of the Corporation was taken as a present by the other Board to itself, Father Francis Neale wrote that they might save themselves all further trouble in the matter if they so lightly shifted the whole basis of negotiation. Whereupon there followed a letter of recrimination from the other party, insinuating bad faith:

K.

Baltimore, 19 October, 1816.

Revd. and Esteemed Sir,

As I am one of a committee of two to prepare deeds from Colonel Howard to the Trustees of the Cathedral Square, of the Trustees to the Archbishop of the lot on Charles Street intended for the episcopal residence, and of your Trustees to Mr. [*Enoch*] Fenwick [*S.J.*], whom, as proprietor of the late Archbishop's lot on Charles Street adjoining it, we have designated to receive for us the title of your part of St. Peters ground; and as I was a member of the board of Trustees, who made the bargain (as it is called, though I am rather ashamed of the word); and moreover as my sentiments are well known to him; for all these reasons Mr. Fenwick placed in my hands your letter to him of 15th. inst., in which I read with no little amazement and, but for the respect I entertain

for you I might have added, some indignation, an extract from your Trustees' book as follows:[40]

"The Committee, etc., etc., report,[41] that they have had a meeting with the Trustees of St. Peter's, Baltimore, and had bargained and exchanged[42] with the said Trustees that lot of ground on which the Church of St. Peter and Presbytery now stand for a property in Cathedral square and Church to be ceded in fee simple to the Archbishop and his successors so soon as the legal manner of effecting such exchange can be ascertained."—You go on to state (and certainly very correctly) that you had heard nothing while in Baltimore of the deeding of the Church to the Archbishop, and that the present Archbishop[43] knows the bargain with the Trustees, and that Mr. Fenwick may save himself the trouble of coming to Georgetown to exchange deeds, unless the Trustees intend to give all their ground and Church for your lot. Truly, Sir, 'tis no wonder you never heard of such a thing in Baltimore, for not a man in this city ever dreamed of such a bargain as you allude to. There is not a member of our board, Sir, who would not solemnly swear that such a thing was never thought of; and I solemnly assure you, that the bare mention of such a thing to the Trustees in the present stage of our proceedings, when thinking all difficulties at last removed, relying on your faith, we are borrowing money on the very ground we expect you to deed to Mr. Fenwick in a few days (for this is no time to sell) and resume the building with spirit next spring, I say, the bare mention of it to them would excite, and I think most justly, such a burst of indignation, amazement and horror, as would not only produce the demolition of our material temple, but prove the death blow to Catholicity in this city. Mr. Fenwick and I hope this baneful entry on your books will be found to be a mistake of the secretary.[44] I know it to be false in fact. We did indeed pledge ourselves and, so far as we could entail it on them, our successors, to

[40] No. 93, E, *Sept. 17, 1811.*

[41] Proceedings of the Corporation, *Sept. 17, 1811*: 1. The Archbishop and Bishop Coadjutor, being a majority of the committee appointed by the 1st resolve of the Corporation, June 10, 1811, report . . . *Cf.* No. 93, C, D.

[42] *Ibid.*: . . . had bargained to exchange. *See* No. 93, E.; *note the punctuation.*

[43] *Leonard Neale.*

[44] *The secretary had been either Francis Neale, or Bishop Coadjutor Leonard Neale, or Archbishop Carroll, these three having been the entire Board present, and the two bishops being the committee reporting.—Laurenson here seems to have shifted the question from the exchange of one lot for another to an exchange of one lot for the whole cathedral square. Since the Act of the Maryland Assembly had been obtained by the Baltimore Trustees, that might now be the state of the question with them. It is nowhere in the antecedent Proceedings of the Corporation. His next observation about* the spiritual rights of the Archbishop over his cathedral *is irrelevant, except in the light of the Corporation's act,* No. 93, B, *supra* (*probably quoted in Neale's letter*), *whereby the object of the whole transaction on the part of the Corporation was made clear, and consisted in affording a leverage for the Archbishop of Baltimore to stave off from his cathedral the evils of lay-trusteeism. Mgr. Marechal, six years later, described to the Propaganda how he had finished successfully this good work. Infra,* No. 121, II.

maintain all the spiritual rights of the Archbishop over his cathedral; but this had nothing to do with the temporal proprietorship; never was it supposed that this could be done by deed of conveyance—we might as well pretend to convey to him his episcopal powers. Sir, 'tis an absurdity. Would we give a property worth two hundred thousand dollars for a lot worth less than twenty thousand? The lot which we have designated for the Archbishop's residence is worth twice as much as your lot; and we never should have made the exchange,[45] but that we did not wish to disfigure the Cathedral with buildings too near it by selling that ground for building lots, and because we had wished to erect a suitable residence for our prelates near their Church. To effect these praiseworthy objects we determined to suffer a considerable loss. And are we now to be told that this is not enough? that we must give up all and for what? For that very lot which your gentlemen always told us they intended as their donation to the Cathedral, to which they have yet given nothing. In the name of God to whom that fine temple is erecting, and in which, but for this, your – – – – – Brother would in two years offer up his vows to – – – – – in his name, I pray you pause; permit not this dreadful letter of yours to go before the Trustees, which it must, to stop their present proceedings, unless soon contradicted. 'Tis but a secret, keep it so if you love God better than mammon (that you do I know). The moment it goes to them, that moment is the fiat of our fate; you may then as well expect to see the Cross re-erected on St. Sophia as a Cathedral in Baltimore. You know my respect for yourself; and therefore any warm expressions in this letter will, I hope, be imputed to an overflow of zeal and not to a bad motive. Had I been indifferent to the welfare of the Church and to the honor of the clergy, I should have remained silent; for, if the entry on your book be not an error, I would not be one of those who inserted it for all the wealth under the sun.

I beg again to assure you, Sir, of my respect and the honor of hearing from you soon, remaining, etc.,

P. Laurenson.

Baltimore

20 [*2 p ?*]

Address: Rev[d] Francis Neale, Georgetown, Dist. Col[a].

Enclosure: Copy of Resolutions, etc., from the book of the Trustees of R. C. C. in the town of Baltimore.

Endorsed in B. Fenwick's hand: Papers explaining the transfer of property in Baltimore.

The entry, which Laurenson thus pronounced false in fact, *was, in fact, signed in autograph by the two bishops in 1811, and its purport in similar resolutions was signed by them thrice over, as*

[45] *Here the writer seems to resume the original and real issue—a lot for a lot.*

given above. The order, in pursuance of which Francis Neale had now written to Laurenson, was made at a meeting attended by the present Archbishop (Leonard Neale), who from the beginning, as coadjutor, had been on the committee with the former archbishop (Carroll), to carry out the purpose of this very entry. The two had reported in the terms of the entry, and then had attached their autograph signatures. As to the value of the property to be surrendered, since Laurenson affirmed depreciatingly that it was worth less than twenty thousand dollars, it might be inferred appreciatively that it was probably worth more.

Proceedings of the Corporation, *as above*, ii. 18, *meeting of Oct. 10, 1816. Laurenson to Francis Neale, Oct. 19, 1816, as above*, p. 319. *Neale to Laurenson (Oct. 15, 1816) is inferred, as cited in the reply of the latter, and as carrying out the resolutions reported in the minutes.*

Thus the sum-total of the proceedings so far was, that the first proposal of the bishops, to use the Jesuits' property as a lever for securing in their own name the full control of their own cathedral church, was rendered unnecessary by another process, that of an Act of Assembly; that then, without being asked, the Fathers were publicly in the Baltimore church declared by Laurenson's party to be desirous of making a present of their property to the cathedral; finally, in private, they were told it was too late for them to do anything else but give, or the cathedral would never be built.

No. 94. **1816–1824.**

Old St. Peter's, Baltimore: a new chapter of history. *By deed of 18th of July, 1816, and again by one on May 9, 1817, Daniel Brent, an executor of John Carroll, conveys to Enoch Fenwick (S.J.), the other executor, all his title to lot 156, the same given originally to the archbishop by Charles Carroll of Carrollton. Between these two dates, and only three months after the correspondence between Francis Neale and Laurenson, the Corporation convey their lot 157 to the same Enoch Fenwick, for the consideration of $5.00 (five dollars), by a deed bearing date Jan. 22, 1817. Thus the whole block, consisting half and half of the Jesuits' property, and of Charles Carroll's gift to the archbishop, was now vested in one person.*

On Aug. 22, 1820, for the consideration of $12,000, Enoch Fenwick conveyed to seven persons, David Williamson, Luke Tiernan,

Basil Elder, Philip Laurenson, John Walsh, William Jenkins, and Robert Barry, the two lots 156 and 157,

A. 1820, August 22.

which lying together contiguous are bounded as follows, viz. on the east by Charles St., on the south by Northwest St., on the north west by Forrest St., on the north east by ground now or late of the Trustees of the Roman Catholic Church, whose corporate name by State Act of General Assembly has been altered and changed to that of "The Trustees of the Catholic Cathedral Church of Baltimore."

Less than two years afterwards, on Apr. 30, 1822, the same gentlemen conveyed the same property, for $10,000, to the Trustees of the Catholic Cathedral Church of Baltimore.

From the Milholland brief of titles and copies, as cited above (p. 314, E).

Thus the Jesuits were now without ground or church of their own in Baltimore, and they were soon out of the city altogether. Father Beschter alone remained as a pastor for the Germans.

It was at this time, 1822, that the third Archbishop of Baltimore, Mgr. Marechal, was demanding of the Jesuits his own personal maintenance, either a pension of $1000 a year, or the absolute conveyance of one of their estates. He was in Rome, urging his suit. But the conveyance of St. Peter's property for the benefit of his cathedral was not unknown there. On the 1st of March, 1819, the Superior of the time, Father Kohlmann, had written to the General that but "the year before a free gift in perpetuity had been made to the archbishop by the Corporation, in the shape of the ancient church and house adjoining and ground on which the buildings stood, without any payment being received; the entire property, buildings and ground, being worth 40,000 dollars."

B. 1819, March 1.

The personnel of the Maryland Mission, with the duties discharged by each member: i.e. the Annual Catalogue. Then a letter, f. 2, *on various points of business:*

2° Extra controversiam videtur, Archiepiscopum Baltimorensem Romam eo scripsisse, ut Sedis Apostolicae auctoritate vel praedium vel certam pensionem sibi successoribusque suis in perpetuum obtineat. Jus in hac petitione eidem suffragari potest nullum, ast suffragabitur fortassis Propagandae decretum; quocirca observandum, impraesentiarum non esse in Societatis potestate, alienare ullum fundum aut constituere ex fundis perpetuam pensionem, cum Cleri Marylandici bona possideantur

a Corporatione, lege publica constituta, cujus etiamnum aliquot membra sunt sacerdotes saeculares, qui juramenti sacramento constricti palam profitentur, se nec posse, nec velle ullo se praedio abdicare in gratiam Metropolitanae Ecclesiae, cui anno praeterlapso et Ecclesiam antiquam, et domum ei contiguam, et fundum denique, cui utrumque inaedificatum est (quae simul sumpta 40,000 thaleris seu scudis valent), nulla solutione facta, perpetuo jure Archiepiscopis ultro cesserunt. Caeteri Episcopi a suo grege sustentantur, cur non et Archiepiscopus? . . .

In the Roman memorial, drawn up by Charles Neale, Superior, and his secretary, Benedict Fenwick, under date of Nov. 22, 1822, it is stated that a large body of property, valued at $20,000, had been conveyed by the Corporation as a free gift to the Archbishop of Baltimore and the trustees of his cathedral, for the sole and exclusive use of him and his successors for ever. This general statement, disagreeing with Kohlmann's itemized above, disagrees also with the next, Dzierozynski's.

General Archives S.J., Maryl. Epist., ii. 1, *Kohlmann to the General, 1 Mart., 1819. Ibid.*, 6, ii., *the Neale-Fenwick Memorial, St. Thomas's Manor, Nov. 22, 1822, p. 10* (*infra*, No. 184, [III.], [2]; *cf.* No. 94, F, ☞ Nota.—*Georgetown College MSS., as above*, No. 91, A.

At the instance of the General, who urged the new Superior, Father Dzierozynski, to arrive at some understanding or accommodation with the said archbishop, the proposal was made that the Trustees of the Corporation should give Mgr. Marechal $1000 a year, provided he would count, as included in the $1000, the annual profit of $400, which now issued from the property so lately ceded to him in Baltimore. Then the Jesuits would undertake to provide him with $600 more per annum. Dzierozynski's draft runs as follows (between Nov. 13 and 24, 1824):

C. 1824, November.

Excellentissime! . . . Unicum meum desiderium est, ut haec infelix differentia quantocyus terminetur per compositionem mutuam inter nos.—Pace Excellentissimi, in mea insipientia, proponerem hanc conditionem ad felicem effectum ex utraque parte. Renuntiat Excellentissimus praetensioni quam facit ad White Marsh; et, ex parte Corporationis, prope sum confidens quod obtinebo omnium Trustees consensum, ut ad illos $400, quos Excellentissimus percipit singulis annis ex fundo Baltimorensi a Corporatione prius oblato, alios $600 annuatim addant, ita ut pensio totalis per annum sit $1,000. Acceptata conditione, scribemus Romam pro ratificatione et confirmatione contracti [*us*] mutuo facti.

To this letter the archbishop said in reply:

D. 1824, November 24.

He was satisfied to hear of the Jesuits' determination to pay him (and, no doubt, his successors also) an annual sum of $1000. This, he said, was clear. The rest he did not understand at all. Did Dzierozynski mean to offer him $1000 with $400 added? Considering that the Jesuits had not given him anything for seven years, since he became archbishop, he would be willing to accept un dédommagement, *an indemnification, for his loss of a seven years' Jesuit pension. But, on that score, he would be tractable, if any reasonable proposition were made to him. Did Dzierozynski, however, mean that the $400 alluded to should be considered part of the thousand, as if the Corporation had ever given anything to the cathedral? Then (1) the Corporation has never given any property to the cathedral, unless you mean the church of St. Peter's and the little ground around it; but that did not belong to the Corporation, which consequently has never given anything to the cathedral, "before God and in conscience;" (2), secondly, he himself had never received a cent from this pretended donation.*

Balt^e, 24 nov., 1824.

Mon Rev^p. Père,

A mon retour de Queen's town j'ai trouvé sur ma table votre dernière lettre. Je n'ai que le tems de vous donner deux mots de réponse au paragraphe qui la termine.

I. Pour terminer notre malheureux différent, vous vous chargez de me faire payer par vos sujets administrateurs des biens du Clergé du Maryland (et sans doute aussi à mes successeurs) la somme annuelle de $1,000.—Cela est clair.

II. Mais vous ajoutez: (includendo scilicet simul eam summam quam Excellentissimus annuatim percipit ex fundo prius jam a Corporatione in Cathedram Baltimorensem collato).—Je vous avoue ne point entendre cette phrase.

1º Jamais la Corporation n'a donné de fond à la Cathédrale; à moins que vous n'entendiez par là l'Eglise de St. Pierre et le petit terrain qui l'entoure; et, dans ce cas, comme elle en étoit le pur dépositaire, elle n'a réellement rien donné à la Cathédrale, coram Deo et in foro conscientiae.

2º Je n'ai jamais reçu ne ne reçoit [!] un cent de ce prétendu fond.

3º Votre pensée est-elle, que le revenu imaginaire de ce fond soit ajouté aux $1,000; ou en soit soustrait? C'est ce que je ne puis en verité deviner.

Votre proposition n'étant pas claire à mes yeux, je suis dans la nécessité de vous en demander une explication qui exclue tout embarras et incertitude.

En attendant votre réponse, je me recommande à vos saintes prierres et suis avec beaucoup d'estime et de respect en N. S. :

Mon Rev^d Père

Votre très humb. serv^r,

+ A. A. B.

P.S.—Pour que vous puissiez me proposer un équivalent qui soit admissible, je vous prie d'observer que le jugement du St. Siège n'embrasse pas seulement le revenu annuel au quel j'ai droit ; mais encore un dédommagement de l'injustice que j'ai souffert depuis ma nomination à l'Arch^é de Balt^e. C'est à dire depuis sept ans.—Cependant, comme ce dernier objet m'est plutôt personnel qu'à mon Siège, j'acquiescerai à toute proposition raisonnable qui me sera faite à cet égard.

+ A. A. B.

Md.-N. Y. Province Archives, 1824 (Nov. 13-24), Dzierozynski to Marechal, draft s.d., 1 p. 4to. Ibid., 1824, Nov. 24, Marechal, Baltimore, to Dzierozynski, Georgetown, autograph, 3 pp. 4to ; accents supplied here. Cf. No. 132, note 3.

This correspondence of November, 1824, serves to explain Father Beschter's statement, a couple of weeks later, regarding the opinion of Mr. Whitfield.

E. 1824, December 11.

He [*Archbishop Marechal*] has lately received [*from Rome*] a printed information, that the Jesuits had already given and [!] over for the Archbishop of Baltimore property worth $20,000 ; which Mr. Whitfield styles to be a lie, an infame lie. He says St. Peter's property never belonged to the Corporation or the Jesuits ; that it was given by the now living old Charles Carroll ; that all the Jesuit[*s*] could claim of it would amount to a stream of 5 feet comming John Walsh's house [!].

Md.-N. Y. Province Archives, Bb, *J. W. Beschter, Baltimore, 11 xbre, 1824, to Francis Neale, St. Thomas's, 3 pp. 4to.*

So ended the older history of the Jesuit property in Baltimore. It did not end, however, without furnishing the ground for an acute criticism on the part of Superiors in Rome (1824?), when the Trustees of the Corporation insisted that their civil oath was a bar against executing the Papal Brief (23 July, 1822), and surrendering White Marsh to Marechal, while at the same time they advanced as a plea this earlier act of generosity, in having made a simple present of St. Peter's to Marechal's cathedral, notwithstanding the same civil oath :

F. (1824.)

☞ Nota. Non s'intende come questa Corporazione potesse dare beni della somma sc. [?] $\frac{20}{m}$ [*$20,000*] all'Arcivescovo attuale prima che

fosse eletto Arcivescovo, come legesi alla pag: 10, Secundo. Pare che questa donazione sia in contraddizione con quello che si espone, e si rileva dalla forza del giuramento, dal fine a cui detti beni dovevano esser applicati, come supra [?].

General Archives S.J., Maryl. Epist., 6, ii., *2 pp. small fol., in the hand of the General's amanuensis, beginning:* Dall'esame fatto degli fogli giustificativi spediti dai Religiosi della Compagnia di Gesù dimoranti nella Missione del Maryland mi pare che resulti ad evidenza, *etc.* *Cf. supra*, p. 325, *med.*

No. 95. **1764–1821.**

Tuckahoe, Talbot County, Eastern Shore, Maryland. *This lonely mission represented a particular species of station, that of one not meant for a full establishment, but yet provided with an estate of its own to render it somewhat independent. The reasons for this arrangement will appear below. As it stood in 1822, the plantation was reported by Fathers Charles Neale and Benedict Fenwick as consisting of 207½ acres, and as having been made up of three purchases, two of the Beswick family, and one of Edward Robert. These purchases had been effected by Father Joseph Mosley. And the property had been transmitted like the other plantations till it reached the corporate body in 1793.*

Neale-Fenwick Memorial, as above (No. 91, A), No. v. *in the list of plantations* (*ubi infra*, No. 184, [IV.]).

This station was originally called St. Mary's, as Father George Hunter, in his report of 1765 to the Provincial, Father Dennet, says: The Mission of St. Mary's, commonly called Queen's-town or Tuckoho. *The name, however, became officially St. Joseph's, possibly to avoid confusion in postal business with the county of St. Mary's. The founder, Father Mosley, explains the whole policy of his movements when writing to his brother Michael, a Jesuit in England, and to his sister, Mrs. Dunn of Newcastle.*[46] *To the former he says, under date of July 30, 1764, from* Portobacco, but soon Bohemia in the Eastern Shore, Cecil County, Maryland:

A. 1764, July 30.

I am just leaving Port Tobacco to go to Bohemia, where they tell me I am wanted; the cong[*regatio*]ns are fewer, but the rides much longer. On the 1st. Sunday, 50 mile, where I pass the whole week in that

[46] *Cf. part of this Mosley correspondence*, History, I. § 35.

neighbourhood in close business with the ignorant. On the 2d. I go down the Chesapike Bay 40 mile farther; which makes me 90 mile from home [*scil. from Bohemia*]: the other 2 Sundays are easier. The Miss[*io*]n has picked me out to settle a place between those two, if I can, to make it an easier miss[*io*]n; pray that I may succeed. I shall have at Bohemia a fine plantation to manage, the best I believe we have & nigh Philadelphia, which is a vast advantage. You may find the place in the charts of this country, on the Eastern Shore of Cheaspick Bay, 50 mile from Queen's-Town, & then 40 to Talbot. . . .

To his sister he writes from Tuckahoe, Talbot County, more than two years later, on Oct. 14, 1766:

B. 1766, October 14.

. . . It's a mission that ought to have been settled above these 60 years past, by reason of the immense trouble & excessive rides it had given our gentlemen that lived next to it, altho' within 200 miles of it; yet, till these days, no one would undertake it, either for want of resolution or fear of the trouble, notwithstanding it had contributed much to the deaths of several of ours & had broak the constitution of every one who went down to it, altho' it was but twice a year, except calls to the sick. I was deputed, in Aug[t] 1764, to settle a new place in the midst of this mission; accordingly I set off for these parts of the country, I examined the situation of every congregation within 60 mile of it; and before the end of that year I came across the very spot, as providence would have it, with land to be sold, nigh the center of the whole that was to be tended. I purchased the land & took possession in March following. On the land there were three buildings, a miserable dwelling house, a much worse for some negroes, & a house to cure tobacco in. . . . Our gentlemen have supplied me with negroes, as many as I wanted to cut down the woods & to open a plantation, in which I succeed much to my satisfaction. . . . It's true the labours will still be great, but not to be compared to what they were, before this place was settled. The chief congregation is but 10 mile off; the 2nd, 20; the 3rd, 24; 4th, 22; 5th, at home; 6th, 22. All these I visite once in two months. I have two others which I visit but twice a year; [*the*] 1st. 39, the other, 90 mile off. This you'll say is hard. It's easy, Dear Sister, to what it was. . . . I have now my cows, my sheep, hogs, turkeys, geese, & other dunghill fowl. I've my own grain & make my own bread. . . .

Just eighteen years later, when the Suppression of the Society had left him so lonely in his Chesapeake Mission, and the late American war had broken off political connections with England, he wrote to the same sister about the plantation (Oct. 4, 1784):

C. 1784, October 4.

. . . I've been on it now twenty long years, & I've made it, thro' God's help, both agreable and profitable to myself & to my successors; . . . when I first settled, I had not one of my own profession [*i.e. no Catholic*] nigher than six or seven mile; but now, thro' God's particular blessings, I've many families joining . . . The Prot[*estan*]t Ministers having no fixt salary by law, as heretofore, have abandoned their flocks, which are now squandered & joined different societies. We've had some share. Since the commencement of the war, I've built on my farm a brick chapel & dwelling house.[47] It was a difficult & bold undertaking at that time, as every necessary, especially nails, were very dear. I began it, trusting on Providence, & I've happily finished, without any assistance either from our gentlemen or my congregation. . . .

Of the value of land and money he says to her, a couple of years later (July 20, 1786), speaking of an English acquaintance:

D. 1786, July 20.

. . . He is come to buy land. I believe he & such will find land as dear here as in England, & not half so profitable. Our best lands sell from £8 to £12 per acre, our currency one-third less than sterling money. . . .

Two years after Father Mosley's death, which occurred but one year after the date of the last letter cited, Father John Carroll, then Prefect-Apostolic of the States, described the architectural and economic features of the two residences on the Eastern Shore, the second of the two being the late Father Mosley's at St. Joseph's, Tuckahoe. Wrote Dr. Carroll, in answer to Patrick Smyth:

E. (1789.)

If curiosity should be excited by his [*Smyth's*] misrepresentations to travel to the Eastern Shore of Maryland, it will find there but two clergymen. One of these lives on the confines of Maryland & State of Delaware, in a house not only inelegant, but ruinous and scarce affording shelter from the weather. The other occupies a cell, such as the woman of Sunam prepared for the prophet Elisha (4th Book of Kings, c. 4), containing just space enough for a bed, a table, and a stool. Such are the establishments formed on the Potowmack and the Eastern Shore, and yet preserved for the benefit of religion by that Society, which could not bury obloquy in the same grave with itself. . . .

Georgetown College MSS., Mosley's original letters, 1757–1786, presented to (Dr. Shea ?) by Alex. T. Knight, descendant of the same family as Mosley's, and

[47] *For a reproduction of Mosley's rough pen-sketches enclosed here, cf. Shea,* History of the Catholic Church in the United States, ii. 297, 298.

brother of the Jesuits and bishop of the same name. Dates given above.—Georgetown College Transcripts, copy by the Rev. W. P. Treacy of the original MS., Rev. John Carroll's Answer to Smyth's pamphlet, published in Dublin, 1788; f. 4 of the copy. Cf. J. G. Shea, Cath. Church in U. S., ii. 312.

Of the funds which went to found St. Joseph's, Tuckahoe, we find some entries scattered about in the day-books that survive. The Messrs. Lewis, Hunter, Manners, and Harding, who are mentioned, were Jesuit missionaries at other stations.

F. 1764–1767.

1764. Aug. 11th. I arrived at Bohemia, with Mr. Lewis.

Dec. 28th. From Wye, I wrote to Mr. Hunter [*Superior*] about the land to be bought near Queen's-Town.

1765. Feb. 3. A letter sent from Bohemia to Mr. Hall, to engage the land near Queen's-Town.

March 18th. I took possession of a track of land I bought of Parson Miller & his wife & Sarah Millington; on which I put 8 negroes, which I brought from Mr. Lewis, then living at the White-Marsh, viz. Nanny, Tom, Frank, Lucy, Davy, Nancy, Paul, & Henny.

Their expenses in transporting & present provisions came to viz. corn from Mr. Tuite, £5, &c. £10:0:0

For plank of Charles Seth £2:0:0

April 1st. I set of with all necessary provisions & plantation utincels for that year from Bohemia.

April to July, a great number of expenses for all kinds of necessaries, utensils, clothes, tools, food, horse-trappings; also digging a well for £0:7:6

May 11. I received of Mr. Manners, to pay for our land in Talbot £260:0:0

Received of Mr. Harding as a gift £7:0:0

July 11. To Mr. Holyday for advice and deeds: 1:10:0

16. To Edw. Rogers a horse 18:12:3

30th. To Mr. John Miller for the land 272:11:9

Aug. 3. To Edw. Rogers for D° 8:0:0 [?]

June [!] 30th. The Deeds for our Land at St. Joseph's in Talbot County were signed, sealed and acknowledged before Col. Rich[d] Tilghman, Prov[l] Justice &c.

[*July ?*] 31st. The deed was entered at Talbot County Court-House, & the Alienation fine signed on the deed as received on that day, as per receipt.

Aug. 12. I paid the Alienation fine for this land.

Aug. 5. To Edw. Rogers in full for the land: £28:11:0

12. For the Alienation Fine of this land to Mr. Bozman Receiver £0:13:10

1766. Feb. 7th. Received of Mr. Manners 9 : 5 : 0 curr^cy
May 19. Received of Mr. Manners, of which £7 for two cows 10 : 15 : 0
There are a great number of travelling expences, *of* 0 : 10 : 8, *of* 0 : 5 : 0, *etc.; a number of minor gifts from Manners and Lewis,* £5 : 0 : 0, £7 : 6 : 0, £2 : 0 : 0 ; *not to mention :*
1767. Jan. 12 : To Boots given for a Milk Cow in Swap £0 : 5 : 0
And many charities to the French *and the poor, with history of the eight negroes and the stock ; and a careful memorandum of the patents* for Bett's Addition, *and of the deed of sale to Rev. Mr. John Lewis, etc.*

Md.-N. Y. Province Archives, DB, *Father Mosley's Day-Book, inscribed by him on the outside :* Day-Book, Bohemia, 1764. St. Joseph's, Talbot County. Ditto, 1765 – – –g alias Tuckahoe. *Inside :* Fr. Joseph Mosley; ff. 1–5.

With regard to this same purchase at Tuckahoe, we find in the books of the Superior, Father G. Hunter :

G. 1765, March 2.
1765. March 2. Cr. To my order to Mr. Mosley, towards purchasing a new settlement of 207 acres : £100 : 0 : 0 cur^cy

Md.-N. Y. Province Archives, carton BD, *G. Hunter's 1st Day-Book, 1763–8,* f. 2.

From these first four years of accounts it appears that the establishment of St. Joseph's was chiefly at the immediate charge of Bohemia and White Marsh, with large subsidies thrown in by the charity of the priests there.
In the Statement given to the General, more than fifty years later by Adam Marshall, the Maryland procurator (1821), St. Joseph's is despatched in a very summary way. He says, under No. 11 :

H. 1821, March 5.
11. Besides the plantations and properties above-mentioned, the Society possesses several other parcels of land of minor importance. These are . . . A plantation on the Eastern shore, on which there is a Church, and which is said to be of very little value. I have never seen it.

General Archives, Maryl. Epist., 2, ii. : *Statement of Marshall to the General, 1821, Mar. 5.*

The line of descent by which the Talbot County property reached the Corporation and Father Marshall, the procurator, was double, and indicated more land than we see distinctly accounted for later. Father George Hunter's will of 1769, in favour of John Lewis, and his last will of 1778, in favour of James Walton, make no

particular mention of this property.[48] *Lewis's will of Mar. 12, 1788, designating Robert Molyneux as his chief heir, bequeathes to him in general*

J. 1788, March 12.
my plantation in Talbot County, Maryland, now in the tenure of John Bolton, gentleman.

Then, five years later, these legatees make their respective declarations in favour of their newly incorporated body. Walton dedicates thereto, as part of his trust,

K. 1793, October 3.
my lands at or adjoining St. Joseph's in Talbot County, containing 144 acres more or less.

And Molyneux hands over to the same Corporation, under the very same date as Walton,

L. 1793, October 3.
a tract of land known by the name of St. Joseph's, lying in Talbot County, containing two hundred and seven acres and half, more or less.[49]

Hence the plantation must have contained, in two or more parcels, 351½ acres.

Md.-N. Y. Province Archives, F (G), *Hunter's wills of May 31, 1769, and July 22, 1778. Ibid., John Lewis's will, Mar. 12, 1788. Ibid., the Declarations of Walton and Molyneux, dated Oct. 3, 1793.* *See* Nos. 102, A; 167, A, F.

No. 96. **1772–1810.**

Appendix to Maryland Property: Mill Creek, Delaware, and New West Chester. *The origin and meaning of acquisitions like these must be explained in precisely the same way as the purchase of St. Joseph's, Tuckahoe.*

A. 1772, January 17.
On Jan. 17, 1772, Samuel Lyte executed a deed of sale to Mr. John Lewis, granting a tract or plantation in Mill Creek hundred, Delaware, consisting of 208 acres more or less, starting from the corner of Letitia Penn's Manor, etc. The ownership of this plantation passed by devise from Lewis to Robert Molyneux, and from Molyneux to Francis Neale.

[48] No. 167, B, *ad* (11).
[49] *This is the extent mentioned in the Neale-Fenwick Memorial (1822), ubi supra,* No. 95, p. 328.

When, after the Suppression, the Fathers constituted their Chapter of the Select Body of the Clergy, the same which then, in 1793, obtained by an Act of the Maryland Assembly the authorization to institute in its midst a legalized committee called the Corporation, they still reserved to the body at large all right of alienation, even to the exclusion of the incorporated committee itself. Hence at a meeting of the Chapter or Representatives of the Select Body,[50] *on Aug. 28, 1799, they took into consideration the question of the Delaware property, as submitted to them by the Executive Board or Corporation.*

B. 1798, December 3.

Proceedings of the Corporation, Dec. 3, 1798.

5º That, in consequence to a memorial of the Rev. Mr. Leonard Neale, stating the necessity of granting a sum of money for the relief of the farm of Mill Creek Hundred, heretofore purchased by the Rev. Mr. Manners for the support of a clergyman, appointed to serve the neighboring Catholics, he, the Rev. Mr. Neale, be empowered to borrow, in the name of the Body Corporate, a sum of money, not exceeding eight hundred dollars, to be applied to the discharging of the debts of the above mentioned farm.

C. 1799, August 28.

Proceedings of the Representatives, Aug. 28, 1799.

A statement of the affairs of the farm in Mill Creek Hundred, in the state of Delaware, being made for the consideration of the Select Body of the Clergy: The Representatives, after duely considering the matter, gave it as their opinion, that said farm had best be sold, reserving the Chapel and burying-ground; and with the money arising from the sale the debts of said farm be paid—a house and lot in New-West-Chester be purchased, to accomodate the priest, who shall serve that and the neighboring congregations—and the residue funded for his support.

The Corporation signified their concurrence (Oct. 9, 1799) in the opinion of the Representatives, that it were better to sell the farm of Mill Creek Hundred, Del., and start an establishment at New-West-Chester. We learn elsewhere that the Rev. John Rossiter, of the convent of New Ross, Ireland, arrived in America in the year 1794, and was placed at West-Chester. On May 5, 1801, the Corporation enters this resolve in its minutes:

[50] *Cf.* No. 173, K.

D. 1801, May 5.

Proceedings of the Corporation, May 5, 1801.

4º That the petition of Mr. Anthony Hearn, for funding the sum of £200 in the Corporation of the R. C. Clergy, Maryland, be granted; and the Board engages to pay annually to the clergyman serving at West Chester in Pennsylvania the legal interest of £12 for ever.

E. 1806.

In 1806, a clear statement was made by the Delaware pastor, the Rev. Mr. Patrick Kenny, through Bishop Carroll, of the religious purposes for which he desired to take over from the Corporation the property near White Clay Creek, in New Castle County. The proposal was approved of by the Jesuit Superior, Robert Molyneux, as we see by his instructions to the agent, Father Francis Neale, Jan 24, 1806.[51]

F. 1810.

Finally, the Mill Creek Hundred property was disposed of on May 5, 1810, by a deed of sale between Francis Neale and the Rev. P. Kenny, who pays the sum of $1600 for 208 acres more or less, and receives the titles of the property originally bought, on Jan. 17, 1772, by Father John Lewis of Samuel Lyte. The Agent's Cash-Book enters, under 1810, June 29, the item of an instalment:

June 29 . . . To cash received from Philadelphia, in the sale of Mill Creek Hundred. $752.^{00}.

Md.-N. Y. Province Archives, A (2), *P. Kenny, Phila., June 14, 1813, to Rev. Francis Neale, enclosing, with excuses for being so late, a copy of indenture, May 5, 1810, between himself and Neale, for the sale as above; the indenture recites the original contract, Jan. 17, 1772, between Lyte and Lewis. Ibid., a bound 4to, No. 3, containing in part a copy of the original minute-book of the Corporation, and at the other end,* pp. 3–44, *Proceedings of the Representatives, from 3rd June, 1795, to 4th Mar., 1806, with additions beyond; p. 21, minutes of Aug. 28, 1799. Ibid.*, Proceedings of the Corporation, i. 22, 27, 32. *Ibid., carton* DB, *Agent's Cash-Book, 1802–20, under date.*

No. 97. **1765, July 23.**

The chief Maryland missions in 1765. *Official report from the Superior, Father G. Hunter, to the Provincial, Father Dennett:*

[*F. 1.*] 1765. July 23, sent to Mr. Dennet Prov^{lis} and by him to Hilton [*Rome*], where much approved of.

Missiones in Marylandia.

1ª Missio S^{ae} Assumptionis, vulgo St. Inigo's.

Missionarius unicus. Plantation 700 acres of land, adjoyning tract 1,300 acres, 20 slaves,[52] of which 12 workers, viz.: 3 within doors, 9 in the fields, the rest children or past their labour.

[51] *Cf.* No. 179, A, C.

[52] *On the matter of slaves, cf.* Nos. 46, 106, 114, F–K. *Cf.* No. 135, Prop. 9, 1º

By 9 Slaves @ £6 – – – 54 : 0 : 0
Annual Income
By 9 Tenants @ £4 – – 36 : 0 : 0
90 : 0 : 0

2ª Missio S^{ti} Xaverii, vulgo Newtown.

Missionarii tres. Plantation 650 acres. Distant tracts 900 acres. Slaves 29, of which 15 workers, viz. 3 in the house, 12 in the fields, the rest children or old.

12 Slaves @ £6 – – 72 : 0 : 0
Annual Income by
4 Tenants @ £4 – – 16 : 0 : 0
88 : 0 : 0

3ª Missio S^{ti} Ignatii, vulgo Portobacco.

Missionarii tres. Plantation 900 acres. A distant tract 3,500 acres. Slaves 38, of which 21 working hands, viz. 3 within doors, 18 in the fields, the rest children or superannuated.

18 Slaves @ £6 – – – 108 : 0 : 0
Annual Income by
20 Tenants at £4 – – 80 : 0 : 0
188 : 0 : 0

4ª Missio S^{ti} Fr. Borgia, vulgo White Marsh.

Missionarii duo. Plantation 1,900 acres, adjoyning tracts 700 D^{to}; distant tracts 700 D^{to} Slaves [*70, cancelled :*] 65,[e] of which 29 working hands, viz. 3 within doors, 26 in the fields, the rest children or superannuated.

26 Slaves @ £6 – – 156 : 0 : 0
Annual Income by
6 Tenants @ £4 – – 24 : 0 : 0
180 : 0 : 0

[*F. 1^{v}*] 5ª Missio S^{ti} Josephi, vulgo Deer-Creek.

Missionarius unicus. Plantation 127 acres. 7 slaves, of which 1 in the house, 4 in the fields, the rest children.

Annual Income by 4 Slaves at £6 – – 24 : 0 : 0

6ª Missio S^{ti} Stanislai, vulgo Frederick-town.

Missionarius unicus. 3 lotts in the town unsettled.

Annual allowance out of yearly *Quotas from the Superior*[f] 30 : 0 : 0

7ª Missio S^{ae} Mariae, vulgo Queen's-town vel Tuckoho.

Missionarius unicus. Plantation 200 acres. 7 slaves, viz. 1 within doors, 3 in the fields, 2 children, 1 old.

Annual Income by 3 Slaves at £6 – – 18 : 0 : 0

(e) *The correction is in later writing, by Hunter himself.*
(f) *Passage in italics all erased.*

8ª Missio S^{ti} Xaverii, vulgo Bohemia.

Missionarius unicus. Plantation 1,100 acres. 26 slaves, of which workers 3 within doors, 12 in the fields, the rest children or old.

Annual Income by 12 Slaves at £9 – – 108 : 0 : 0

Maryl^{d} Factory D^{r} To Office at London { Total Land 12,677 acres. Total Annual Income £696 sterling. Total Negro's 192.

Maryl^{d} Factory C^{r}

By funds in London Office. [*blank*]

+

[*F. 2.*] Missiones in Pensylvania.

. . . . . .

Notanda [*for Pennsylvania*].

1º . . . 2º . . . 3º . . .[53]

+

[*F. 2^{v}*] Notanda [*for Maryland*].

3º Every residence keeps at its own expence a publick meeting place of Div. worship [*i.e. a church or chapel*].

(Adjunge 1º) 2º Out of the above Incomes every thing to be bought towards house keeping, cloathing for masters and slaves, etc., besides buildings, reparations, taxes, qui[*t*]rents, doctors, etc., in short, everything exclusive of bread, meat and firing; *and some residences to be assisted as not having sufficient funds of their own.*(g)

1º The above incomes are rated at a reasonable computation of one year with another vel communibus annis, allowing for the difference of scarce and plentiful years.

4º Some residences to be assisted by the others. Besides the expences of Factors to a man from Europe and – – as not having sufficient funds. In order to this, particulars are taxed yearly Quotas, according to their circumstances, in order to raise the sum of £200 ℔ An^{m}, but which seldom or never is entirely pay'd, thro bad times, necessity of new buildings or other casualtys.[54]

6º We count about 10,000 adult Customers sive Commts. [*communicants*], and near as many under age or non-Commts. *Each master of a residence keeps about 2 Sundays in the month at home, the rest abroad at the distance of more or fewer miles, as far sometimes as 20 or 30, and the other gentlemen all abroad every such day.*(g) The mapps shew extent and length of our excursions, as our Customers are dispersed all over the Province.

5º The value of land, putting good, bad and indifferent together, has generally upon an averadg – – – is reckoned at 20*s.* [?] sterling ℔ acre,(h)

(g) *Words in italics erased.*
(h) *Ends so with a comma.*

[53] *See* No. 106.
[54] *Cf.* No. 56, *Father Corbie's Ordinations, April 2, 1759, 4º*

In Notandum 3º *about Pennsylvania, to be seen infra,* No. 106, *there is an additional item about Maryland:* 3º Their burdens or expences same as Maryland, as to publick meeting places, and moreover must provide themselves to bread and meat and *drink*(i) – – – no *plantation*(i) land, no slaves at all, and little or rather no hospitality, which is a heavy burthen in Maryland, and in great measure inavoidable. *They in Philadelphia and Lancaster have bread and meat to buy.*(i)

In the above report of Father Hunter there seems to be more land entered than we have accounted for, as will also appear in the following alphabetical list. On the other hand, we have entered more than the following list, which is a partial one, comprises. It is given in the next Number.

Md.-N. Y. Province Archives, carton 18; an original copy or draft. The year, at the beginning, was written later by some one; the rest of the heading, in part if not the whole, was written by Father Hunter after the date of the document, 4 pp. 4to.

No. 98. (1805–1820 ?)

Old Index of title-deeds, or inventory of property in Maryland. *The following list, written on one side of a folio sheet, seems to be the result of an investigation among the title-deeds found in the archives. If the hand is Father Cary's, the date of the document would be about 1820, when, as his other memoranda show, he lent assistance in clearing up property questions. Otherwise it might date from the time of the threatened escheat of Jesuit lands in 1805. Cf.* Nos. 88, H, 3dly; 165.

A.

St. Augustin's Creek

B.

Brookes grove—St. Marys
Berry—65 A. St. Marys
Bohemia
Bohemia, Little
Breton's Outlet in Brettons Bay and Thompson's purchase
Brandfort (New) Newport forest, Chas. Co.
Beverly 65 A. adj. James Reeves 3 acres Chas. Cty.

C.

Chapel—at the entrance of St. Clement's town St. Marys. 1 A.
„ Carlisle—Cumberland Cty. a lot
„ Pumphet Chas. Cty.
„ Cornwallis' neck, Chas. Cty.
„ Prince Georges Cty 3 A
Cox and Reeves Risque 104½ A. Chas. Cty.
Causseen's Manor—a plot
Chandler—v. Lindsey Edmond

D.

Darnall's Farm 300 A. Kent Cty.

(i) *Words in italics erased.*

E.

St. Edwards. St. Marys
Ely.

F.

Farthing Chance manor with its Mill Land and Paul Moses Land
Foxe's Race 413. ad. Indian Creek

G.

Gates Hope—v. New Brandfort Newport forest Chas. Cty.
Gates Purchase 60 A. St. Marys—v. Hunts Purchase and Maidstone
Gooderick (Geo. and Rob.) Chas. Cty. 100 A. Then G. Thompson. Then Ely.
Gooderick (Aaron and Rob.)
Gumbeys (Fr.)—v. Roziers (Notley)

H.

Hunts Venture—v. Gates Purchase —and Maidstone St. Marys
Hazard 100 A. Piercefield 20 A. Splietfield 30 A. Chas. Cty.

I.

St. Inigoes—St. Marys

J.

K.

L.

Lindsey (Edmund) 50 A. formerley [?] Chandler's land

M.

Morice Daniel's rest—Cecil Cty.
Mill Land and Paul Moshes Land. —v. Farthing's Chance, St. Marys
Maidstone, St. Marys—v. Gates Purchase and Hunts Venture
Mankins Adventure 65 A. Chas. Cty.

N.

Newtown—St. Marys

O.

Oversee's land 450 A., then G. Thompson

P.

Pumphet Chapel
Prince George Cty.—v. Chapel
Pye's Chance 177½ A. Chas. Cty.
Posey (Bilean)—v. Wilkinson's Range

Q.

Quantico, St. Marys

R.

Reeves (Thos.) 80 A. part of Causseen's Manor
Reeves (James) 3 [?] A.
Roziers (Notley) 100 A. Fr. Gumbeys

S.

T.

Thompson's Purchase and Brittons Outlett
St. Thomas' Manor 500 A. Chas. Cty.
Thompson (George)—v. Oversee (Simon [?])

U.

W.

Wilkinson's Range 244 A. Chas. Cty. of Bilean Posey

X.

Y.

Z.

Md.-N. Y. Province Archives, (a) *St. Thomas's Manor, 1 p. fol.*

The mere fact of a property being entered in this list does not guarantee its ownership by the Society. In fact, against Causseen's Manor *the entry puts significantly* a plot.[55] *On the other hand, of the eight chief Maryland missions classed in Father Hunter's report, no fewer than four are wanting here: White Marsh, the most productive of all, Deer Creek, Frederick, and Tuckahoe. And there is no mention of Delaware or Pennsylvania. This list then represents some local fraction of the real estate documents, which, with other classes of old muniments, are now massed in the Md.-N. Y. Province Archives.*

No. 99. **(1633–1789.)**

The foregoing endowment of religion: Dr. Ambrose Marechal and Dr. John Carroll on its main features. *The foregoing endowment for the perpetual service of the Catholic religion gave rise to many difficulties at the close of the eighteenth and the beginning of the nineteenth century. The portion of the foundation which we have yet to consider, as laid in the province of Pennsylvania, did not originate such serious contentions. Hence, before passing over there, we mark briefly the chief features of this Maryland endowment, using the words of the first and third Archbishops of Baltimore.*

Mgr. Marechal notes that the Jesuit Fathers received no contributions from the faithful whom they served; and that, in acquiring and passing on this property through so many private hands, they yet saved everything. Dr. Carroll observes that, if ever the fidelity of these private owners was put to the test, it was especially at the moment when the Society was suppressed, and each one stood apart and adrift as a secular priest; yet, far from proving unfaithful even then, they proceeded to organize, incorporate themselves, and guarantee for ever the religious destination of the property.

A.

. . . 6º Tandem retributiones exigunt [*P. Jesuitae*] et percipiunt a multitudine fidelium, in omnibus locis in quibus sacrum exercent

[55] *There is in the archives an ample plat of* Farthings Chance Manner . . . 1190 Jcres of land . . . with Paul Marshes Land, *endorsed:* For Mr. Kelick; *surveyor,* ano. Brooke; *but it seems to be only a rectification of the lines as against Farthing's encroachments:* (f.) *Newtown.*

ministerium. Olim contenti fructibus suorum praediorum in vinea Domini gratis laborabant.[56]

Rome, English College Archives, Gradwell MSS., Baltimore and Quebec, Marechal to Card. Somaglia, 1826, Jan. 15, Prop. 9, 6°.

B.

. . . Ils [*les Jésuites*] s'étoient transmis par testamens et autres contrats toutes les proprietés qu'ils possedent pendant plus de 260 [!] [*ans*], sans en avoir perdu une seule. Le fait est que, d'après les regles [*qu'ils s'*] etoient prescrites par la Societé pour la transmission certaine de leur biens, il etoit *probablement moralement* (k) presque de tout impossible qu'un Jesuite proprietaire mourut sans testament.[57]

Georgetown College MSS., Marechal autograph: Notes sur l'exposition présentée par le P. Fortis, f. 5ᵛ.

Dr. John Carroll addresses an adversary, the Rev. Patrick Smyth, a man representing a whole class of adventurers and memorialists, whose fecundity of suspicion, *says Carroll,* it is impossible to exhaust, *and who surprise one with the revelation,* how easily a pretended history may be compiled without any of the materials which ought to enter into its composition. *After speaking of* the establishments formed on the Potowmack and the Eastern Shore by that Society, which could not bury obloquy in the same grave with itself (No. 95, E), *he marks two features in the past and the present.*

C. (1789.)

Had these ex-Jesuits been such as Mr. Smyth charitably represented them, deaf to the voice of conscience, and eager to share the spoils (p. 33), what could have hindered them from converting their lands and negroes with portable property, as soon as the Society was destroyed, and in enjoying in indolence the fruits of their sacrilegious plunder? . . .

. . . Since the dissolution of the Society, some [*other people*] have come across the Atlantic; and, if suspicion were as congenial to others as to him, they might invent some plausible reasons for this new appearance of zeal. However that may be, the public ought to be informed, that the few surviving ex-Jesuits owe to religion one more service, in addition to those which they have already rendered in Maryland; and that is, to secure from waste and misapplication, and to transmit undiminished to the future ministers of the Church, the property which was acquired for its advantage, and preserved by their predecessors.[58]

Georgetown College Transcripts, copy by W. P. Treacy of Carroll's autograph answer to Smyth, ff. 3, 4ᵛ, 4, 6, 5ᵛ.

(k) *These words in italics erased.*

[56] No. 135, Prop. 9, 6°. [57] No. 119 [*II.*] [58] *Cf.* No. 143, [*IV.*]

§ 9. The College Foundation in Pennsylvania: 1740–1822.

No. 100. **1740, 1741.**

A Pennsylvania landed foundation: policy recommended. *Father Henry Neale, a native of Maryland, being sent to the American Mission in 1739,*[1] *reported* (*to the Provincial, Father Charles Shireburn*) *as follows, under date of April 25, 1741:*

. . . Since my arrival, I've made it my business to inform myself of the situation of affairs in these parts [*Pennsylvania?*] as far as may be worthy your attention. [*Continued, as infra*, No. 101.]

I have spent no little pains in considering myself and consulting friends, about the most advantageous methods of making a settlement according to your proposals. And, as things are at present, a purchase of land seems evidently the best and securest establishment that can be made, both for present and future views. Several tracts of land have been lately sold for double the price they were bought for a few years ago. And a valuable tract may now be purchased for eight hundred or a thousand pounds, yet in a few years will in all probability be held at two or three thousand. Nor is there any difficulty of our purchasing now, tho' there may be perhaps afterward. If this proposal of a land establishment seems suitable to your inclination, I shall make it my business, with the advice of friends, to seek out a place that may be answerable to the end you propose; and begg you'll acquaint me your sentiments hereupon as soon as possible; as also what summ you think proper to advance, and on whom we may draw for the same, in case we should light upon a place to advantage.

We have at present all liberty imaginable in the exercise of our business, and are not only esteemed, but reverenced, as I may say, by the better sort of people. *About* the Lawyer *and* the Politician.

The German gentlemen [*Jesuit missioners from Germany, Fathers Schneider and Wappeler*[2]] are not yet arrived. Their presence is very much wanted. My heart has yearned when I've met with some poor Germans desirous of performing their duties, but whom I have not been able to assist for want of language. I hope in a short time I shall be

[1] No. 7, S^2.

[2] No. 7, X^2, Z^2.

able to give you a more ample account of many particulars, being as yet almost stranger in these parts. In the interim, my best wishes. . . .

The East Anglian, or Notes and Queries on Subjects connected with the Counties of Suffolk, Cambridge, and Essex, i. 16, 17; *quoted also at length in* American Catholic Historical Researches, vi. 182, 183, *and in the* Records of the American Catholic Historical Society, xi. 198, 199.

No. 101. 1740, 1741.

Pennsylvania: the cost of living in 1740–1741. *In the letter just quoted, the young American Jesuit discusses the question of a living for one who could not draw on the congregation. A gentleman in America (Father Joseph Greaton), who had proposed £20 a year as a sufficient allowance, explained to Father Neale that he had been thinking only of a German missionary, who should assist his countrymen about the province, and meet with temporal aid from them.*

. . . I am sorry to find things otherwise than represented in England; I mean as to what regards a competent maintenance of one in my station. For an annuity of £20 only will not absolutely suffice. I was told this by our gentlemen in Maryland, and find it so in effect. Most necessarys of life are here as dear, and several dearer, than at London itself. The gentleman who proposed £20 as a tolerable sufficiency says he ment it in regard of a German who, he supposed, would spend the greatest part of his time among his countrymen, and meet with assistance from them, being to be but now and then in town. But for one who is to have his abode in town, as I must, he himself declares it will no wise suffice. Among other expenses I must of necessity keep a horse, in order to assist poor people up and down the country, some twenty miles, some sixty, some farther off. For, at present, he alone [*i.e. Father Greaton*] is sufficient for the service of the town (tho' 'tis a growing congregation, and will in all likelyhood soon require both more hands and a larger house). Now, traveling expenses in my regard will be considerable, since little or nothing can be expected from the country Catholiks, who, tho' very numerous, are most of them servants or poor tradesmen, and more in need oftentimes of charity themselves, than capable of assisting others. To be short, Sir, I wish I could make £30 do. Tho' every body I advise with assures me £40 annuity is as little as I can reasonably propose to live and act with. The gentleman [*Father Greaton*] who lives here, tho' he has made a thousand shifts to assist this poor congregation, has never made things meet under thirty pounds sterling a year, including the charitys he was obliged to; tho' he never was at the expenses of keeping a horse. The rising of our country currency, which is now

within a trifle of 33⅓ per cent. from sterling, contributes not a little to render a sterling annuity less valuable. [*Continued, as supra*, No. 100.]

Ibid., Henry Neale, same letter as above.

No. 102. (1742–1814.)

The land purchases effected: general view. *We may take this view, first, from the wills. Two of them, that of John Lewis and that of Charles Sewall, give particulars of the Pennsylvania property. On Lewis's will Father Francis Neale, his mediate heir, makes some comments, showing, as in the case of McElroy's observations on Frederick, the state of obscurity into which past history had sunk by 1814.*

Father John Lewis, of Cecil County, devises on March 12, 1788, as follows:

A. 1788, March 12.

3º I bequeath wholly and solely to my worthy and beloved friend, Robert Molyneux of the City of Philadelphia, gentleman, all my real and personal estate of what denomination soever, viz. my plantation in Talbot County, Maryland, now in the tenure of John Bolton, gentleman. Item, a plantation in Newcastle Co., State of Delaware, now in the tenure of Con Hollohan. Item, the Roman Catholic Church of St. Mary's in Fourth Street, also the R. C. Chapel in Walnut St., together with the lot or lots of ground thereunto belonging, and also my two houses in Chestnut St., all in the City of Philadelphia, State of Pennsylvania. Item, all my estate in Hereford Township, late in the tenure of R. J. Baptist de Ritter, now of R. Peter Helbrun, Berks Co.— Item, all my estate in York Co., now in the tenure of J. B. Pellentz. Item, the R. C. Church, together with the lots and messuages thereto belonging, in the Borough of Lancaster in Lancaster Co., State of Pennsylvania, together with all my other estate or estates, real or personal whatsoever in Maryland, Pennsylvania or elsewhere. *In case of Molyneux's death, to John Bolton, each being respectively executor.*

Md.-N. Y. Province Archives, F (G), *authenticated copy of will. Cf.* American Catholic Historical Researches, iii. 58–63. *Of the six persons mentioned here in the will four were ex-Jesuits, Molyneux, Bolton, Pellentz, and De Ritter, the last-named having been already an exile from the old Flemish-Belgian Province of the Society prior to the general Suppression.*

Regarding the names in this will, or in the deeds relative thereto, Father Francis Neale, the heir of Robert Molyneux, has some observations to make in answer to a letter of the Rev. Louis de Barth, manager of the Jesuit estate at Conewago. He writes on the 8th of Feb., 1814:

B. 1814, February 8.

Rev. and Dear Sir,

On my return yesterday from Alexandria Mission, I was favoured with your letter of the 31 ult°. It contains the information I have long wished for—provided Mr. Digges' conveyance to Mr. John Lewis covers all the land held at Conewago. I find by a copy of Mr. Lewis's will (taken from his will before his death) that I am (thro Rt. Molyneux) left heir to the following property. *Here he recites the items of the will, as given above.* I did not know by what means Mr. Lewis received his right to Conewago farm, as the warrants for parts of said farm where [!] given to various people—viz. Henry Neale, Pellentz, Frombach, &c.—If Mr. Digges' conveyance includes all the land and is made according to law, it suffices. I find this method has been used in the estate of Coshenhopen.—After the various purchases of parts of this estate, it is all included under one patten [?] to a Mr. Greaton, who sells the whole to Rt. Harden [*Robert Harding*], who wills the same to John Lewis, &c. I must go to the Eastern Shore and secure the will of John Lewis, or an authenticated copy, as soon as the wheather will permit. I have in my possession an indenture for the conveyance of a house and lot in the Town of Carlisle, County of Cumberland, to the Rev. Charles Sewall from Robert Guthrie the younger, legally executed on the 5th of February, 1779. Do you know of this property? The lot is designated in the plan of said Town by number 274, is 20 feet front, 240 feet back. The heirs of Mr. Sewall are Charles Neale and myself.

Md.-N. Y. Province Archives, 1814, Feb. 8, Neale, 2 pp. 4to, and Grassi, 1 p. 4to, Georgetown, to De Barth, Conewago, near Hanover, Penn.

C. 1806, August 12.

Will of Charles Sewall, August 12, 1806:

I Charles Sewall of St. Thomas's Manor in Charles Co. . . . Secondly, I give and bequeath a house and lot for Divine service in the town of Carlile, Cumberland County, Pennsylvania; a chapel and two acres of land near Winchester, in Frederic County, Maryland; a chapel and two acres of land in Harford County, Maryland, unto the Rev. Mr. Charles Neale of Mount Carmel, Charles County, Maryland, *and in his default by death, to Mr. Francis Neale, now of St. Inigo's. Then follow bequests to members of the Sewall family, the residuary heir being Charles or Francis Neale as above.*

Md.-N. Y. Province Archives, F (G), *a copy.*

No. 103. (1742–1820.)

The land purchases effected: statement of De Barth. *After the wills, the statements of managers or procurators afford a general view of the religious foundation effected in Pennsylvania. The secular*

priest, Louis de Barth, long a candidate for the Society, was manager of the farm at Conewago. He sent a statement, apparently to the procurator of the Mission, Father Adam Marshall, giving an account of the general assets (1820–1?).

List of the property belonging to the Society of Jesus in the State of Pensilvania, of which the Rev. Francis Neale is the proprieter.

I. Goshenhopen. Of this plantation, there is among the deeds of Conewago:

1º One deed recorded of Mr. Joseph Greaton for 373 acres and 100 perches to Rev. Mr. Robert Harding.

2º The will of Rev. Mr. Harding to Rev. Mr. John Lewis.

3º Rev. Mr. Lewis' will to Rev. Mr. Moleneux.

4º Rev. Mr. Moleneux to Rev. Mr. Francis Neale.

There is another deed (not recorded) of 120 acres of Ulrick Piedler to Henry Neale. In order to prove his property, the Rev. Mr. Francis Neale must have another chain of wills, different from the above. Rev. Mr. Henry Neale's will is not among the Conowago papers.

N.B. The above papers were given to me by the Rev. Mr. Francis Neale in July last or a year before.

II. In Philadelphia. [1º] In Willings Alley: 2º a ground rent of $88 from a house in Walnut-Street: 3º interest of $66 yearly from the city loan office. There are many deeds in the house. I wish Rev. Father Wallace could inspect them.

III. In Lancaster. Three lots and one half. When I left Lancaster in 1804, I left all the deeds in the desk, where I had found them. They have been taken away since, either by the clergymen who resided there before Rev. Mr. Beshter's arrival, or by the laymen during the same interval.

IV. Little Yorck. The deed is made in favor of Rev. Francis Neale by the present agents of the original proprietors.

V. Carleile. One deed by indenture of Robert Gouthri to Charles Sewall. Who is Rev. Mr. Chas. Sewall's heir? I paid $400 towards the purchase of an adjoining lot, under condition of the deed being made to the Rev. Francis Neale.

VI. Conowago. 1º A deed of William Diggs, Henry Diggs and Wilfred Diggs [!], to Rev. John Lewis.

2º Another deed of John Digges and Henry Neale to Rev. John Lewis.

3º Two warrants for one hundred and fifty acres granted, one to Henry Neale, and the other to James Frombach. N.B. Who is Rev. Frombach's heir?

4º I have paid $300 to redeem these warrants, as I was the manager of the land. Mr. McThiry thought it necessary to take the receipt of $300 in my name.

5°. A regular succession of deeds for 20 acres of chestnut land, the last deed to Rev. Mr. Francis Neale, bought by me.

6°. Ten Turnpike shares at $100 [$200?] each, two of them subscribed by me, and the other 8 given by Patrick Campell, on condition of his receving the dividents during his life.

7°. A copy of a deed of several thousands acres from the Digges's family to Henry Neale. In this tract are, I suppose, included the two tracts mentioned in numbers 1 and 2 in these remarks on Conowago.

VII. South Mountains. 125 [195?] acres, whereon a church has been built and for which I have paid $500. The land is covered with fine pene and chestnut timber, and will pay itself in boards and rails in a few years. (I was obliged to make the purchase, for fear and a well grounded fear) of Mr. Lostello' [Costelloe?] failing, and the church being sold at vendue to pay his debts. I have a deed in favour of Rev. Mr. Francis Neale.

Near Milton. A lot of two acres, whereon a log church is erected; a deed to Rev. Francis Neale.

The above places are to my certain knoledge belonging to the Society.

Northumberland County. 2 lots in the town of Northumberland opposite to the Academy.[a]

Md.-N. Y. Province Archives, (i) Conewago, original, but only the last few lines autograph; 3 pp. 4to.—For particulars about pieces of property here mentioned, cf. T. Hughes, S.J., Properties of the Jesuits in Pennsylvania, 1730–1830, *as infra*, No. 107.

No. 104. (1742–1824.)

The land purchases, continued: statement of Marshall. *The procurator's account of Pennsylvania has, like De Barth's, an original value of its own, though for a different reason. Its date may be 1824, at the same time that Father Adam Marshall delivered to the Superior, Father Dzierozynski, a very ample statement of the Maryland real property.*

I. Conewago. Q. 1. How many tracts in this estate? Ans. Three. The first and largest is part of Digg's Choice, situate to the south of the plantation, and binding on Bastian Opolt's heirs, on John Khun to the south, on the west on Ludwig Schriver now Michael Dellon, and on the east on the heirs of Jacob Kagy and George Etzler, on the north on Joseph Sneringer and the other two tracts. The remaining two tracts are not designated by any particular name; they constitute the northwestern part of the plantation. On these two tracts stand all the buildings.

(a) *The heading*, Near Milton, *and the paragraph*, Northumberland, *etc., are autograph by Barth.*

Digg's Choice. First proprietor, Rev. John Lewis. He bought it from Mr. Wm. Diggs, Henry Diggs, and Wilfred Neale [!]. For this tract there are two deeds conveying different parts; one rec^{d} etc. as above [!]; the other is rec^{d} in York B.G., page 126, 13th [*18th?*] of May, 1776. The deed of conveyance is recorded in York Pen^{a} B.G. page 132, the 13th day of May, 1776. John Lewis transmitted his right to Robert Molyneux by will dated 13th of March, 1788, recorded in Cecil County Md., v. 5th page 177, 178 and 179, *the 21st day of March,* (b) deposited in the office of said County, the 7 April, 1788. Mr. Rob^{t} Molyneux conveyed his right by will to Francis Neale, dated the 13th day of June, 1805, recorded in St. Mary's County L. I.I. and F.F. folios 189, 190, N. 5, a Record book of titles.

The remaining two tracts. These tracts were taken up as vacant land, *the part on which the Church and house stand was taken up first, by Mr. Henry Neale* (b) before Digg's Choice was purchased (the information is incomplete) as appears by Messrs. Henry Neale and Frombach. The heir of Mr. Neale is Mr. Thomas Pulton (his will is dated 7th Jan^{y} 1741/2 and recorded 6th of Oct. 1742) L. DD. N. 4, F. 405. (This is wrong as appears from the copy on hand.)

Mr. Poulton's—(the chain of succession to be found in the collection of wills) Mr. Frombach's heirs—to be found in the same place. If not, it must have been destroyed at St. Inagos, when that house was plundered by the enemy during last war. He died at that place.

II. Coshenhopen. Q. How many tracts in this estate? Ans. Two. The one containing 121 a., conveyed by Ulrick Piedler and wife to Henry Neale, 1st day of March, 1747. Mr. Henry Neale conveyed this tract to Mr. Pulton by his will dated &c., as under head of Conewago. The other containing 373 a. 100 p. granted by patent from the Lord Proprietor to Joseph Greaton, dated 3rd. of Aug. 1752, recorded in Philadelphia in Pat. Book A. vol. 17th. page 144, 13th Aug. 1752. This tract was conveyed by will to Mr. Rob. Harding, dated 2nd. Sept. 1749, recorded in office for recording of wills in the State of Pen^{a}, then probably in Phil^{a}, 30th of Aug. 1753. Mr. Harding conveyed his right to John Lewis by will, dated as under head Conewago. N.B. Included in the above tract is a seperate tract lying about two miles from the other, and containing 31 a. 5 p. Of this latter tract about 30 acres were sold to one John Eltz probably by Mr. Greaton, which is to be subtracted from the 373 a.

III. Lancaster. Rev. Mr. Barth assured me that, when he came to Lancaster in the year 1795 in Dec^{r}, he found several deeds of the lots, now owned by Mr. Neale, in the drawers of a desk then in the house, which he left in the same place where he found them, when he left Lancaster for Conewago in 1804. He recollects perfectly well that an old school master, by name Mattias Roe, made his will in favor of the

(b) *Words in italics erased.*

church of Lancaster to the amount of several hundred dollars, which will he left in the same drawer with the deeds. On Mattias Roe's death, some members of the congregation wrote to Mr. Barth, enquiring about the said will (there being no priest at the time in Lancaster). Mr. Barth informed them where the will was. The will was found and executed; and since that time the deeds have disappeared.

This property, as far as can be ascertained from different papers, consists of 3 lots and one half, numbered 234, 235, 236 and 237. It is possible that Mr. Henry Neale was the first proprietor of the above lots. The heir of Henry Neale was Mr. Pulton.

IIII. Mountain Plantation. This consists of 125a, 133 p., purchased by the Rev. Mr. Francis Neale from Jacob Starner, by deed and conveyance dated – – – This deed still remains in the office at Gettisburg, where it was left to be recorded.

V. Carlile. This consists of two lots, one purchased by Rev. Mr. Charles Sewall from Rob. Guthrie Jun. The deed is dated the 5th Feb. 1779, recorded in Carlisle B. E. vol. 1st., page 304, 5th day of March, 1779. (Not known who is Mr. Sewall's heir; his will is in the collection.) Another was purchased by Mr. Thomas Hagan for the church of Carlile from Mr. James Blaine and Rob. Blaine, executor of Ephraim Blaine, by a deed dated 16th of April (1817), recorded in Carlile B. DD., vol. 1, page 23, the 14th May, 1818. Mr. Thomas Hagan assigned his right to the Rev. F. Neale by an assignment endorsed on the deed, which is recorded in Carlile in B. EE. vol. 1st, page 551, June 12th, 1820. The above lot cost $300, which was obtain[*ed*] from the following sources. A Mr. James Costeloe and Jeremiah Sullivan gave to Mr. Blentz [*Pellentz*] a tract of land in Cumberland County a tract of land [!] for the support of the R. C. Priest attending Carlisle. Mr. Pelentz conveyed this land to Mr. Brosius by his will, who sold it to one Shatto. Mr. Barth found $120 of the proceeds of said sale, on taking the management of Conewago, which, with $500 making $620, were applied to said church; the former thro the Rev. Mr. Zocci, with which the pews in said church were erected, and the latter thro Rev. Mr. Marshall, with which the above lot was paid in part, the rest being made up by subscription from the congregation.

VI. Two lots in the town of Northumberland, numbered 93 and 94, conveyed to Rob. Harding by Reuben Haines. The deed is dated the 7th day of Nov., 1774, not yet recorded. In the same county and within about 13 miles of the above, and one mile from the town of Milton, is a lot of ground conta[*in*]ing two acres granted to Mr. Francis Neale by John Keffer. The deed is dated the 13th day of May, 1805; recorded in Northumberland County office in B. N. page 102, 14th day of Oct. 1805.

VII. Philadelphia. It appears from sundry papers now at Conewago that the Rev. Mr. Greaton purchased a lot of land in the City of Philadelphia from a certain John Dixon. This Dixon got his right

from Adam Lewis; he from James Tucker; and he from Thomas Charlkey; not known from whom he got his right. However, there is a patent from the Lord Proprietor to one John Bettle, who bought the right of John Beesley [*Basley ?*], who got his right from Richard Townsend; who obtained the said lot from the Lord Proprietor as a gratuity (as appears) for having bought 250 acres in the Province of Pennsylvania. This patent is recorded in Phila. in B.A. vol. 14. page 235, the 22nd. day of Sept. 1749. Joseph Greaton conveyed his estate to Rob. Harding by his will, dated as under Coshennohen.

VIII. York. One lot on which the church stands; deeded to Mr. Francis Neale by the agents of the proprietor, now in the hands of Mr. John Koch Sen.

[*Note*] To Conewago belongs 1st. a tract of wood-land containing 20 a. 51 p. lying in York County; conveyed by John Steinmetz and others to the Rev. Lewis Barth by a deed dated 1st day of April, 1811, not as yet recorded. (N.B. The recording of deeds is not essential to their validity in Pen^{a}) Rev. Lewis Barth conveyed this land to Rev. F. Neale by his deed dated 19th of June, 1811, recorded in York, B.W.W., page 43, 24th of June, 1811.

2ly. A lot in the town of Hanover, consisting of parts of lots numbered 93, 94, conveyed by Wendel Keller and wife in trust to Rev. James Palentz and other lay-trustees for a R. C. Church, all of whom are dead and have no successors. By the laws of Pen^{a} it remains for the original purpose.

Md.-N. Y. Province Archives, (i) *Conewago, original, 4 pp. fol.*

No. 105. (1742–1822.)

The Pennsylvania property in 1822: statement by Charles Neale and Benedict Fenwick. *In the memorial addressed to the General, and drawn up by these two Fathers Nov. 22, 1822, the following short sketch is added to the account of eight Maryland properties, and several in the District of Columbia.*

The property of the Society, in the State of Pennsylvania, is still held by a private individual, under a confidential or implied trust (a member of the Society), there being no incorporation of the clergy in that State, as in the State of Maryland. It consists, 1st. of a plantation at Conewago, containing about 500 acres of well improved land; on which there is a substantial Church, a convenient house for the clergy and excellent outbuildings.—2ly. the plantation at Goshenhopen, containing about 490 acres of land, nearly one-half of which is still in wood; on which there is also a Church, but which is miserably out of repair, as well as all other buildings and outbuildings, from the carelessness and very great

neglect of the secular Priest, who lived on this property for twenty-four years.—3ly. The Church in Lancaster, with the lot on which it stands, together with the dwelling-house in which the clergyman resides, that attends the adjoining congregation.—Lastly, the property in Philadelphia, consisting of St. Joseph's Church, together with the lot on which it stands, and the house in which the Bishop resides.

General Archives, Maryl. Epist., 6, ii.; *Fenwick's autograph*, p. 33, *as supra*, No. 91, A.—*Georgetown College MSS., as ibid.*, No. 91, A.—*On the Rev. Paul Erntzen*, the secular priest, *cf. infra*, No. 108, A-C.

No. 106. **1765.**

Pennsylvania outlay and income: particulars in 1765. *Father George Hunter's report to the Provincial, Father Dennett, dated July 23, 1765, shows the economic basis of the Pennsylvania foundation.*

\+

[*F. 2*] Missiones in Pensylvania.

1ª Missio Sᵃᵉ Mariae, vulgo Philadelphia.
Missionarii duo.

Annual Income	By house Rent's – –	45:0:0
	By Salary from London – –	20:0:0
By regular gratuitys – –		25:0:0
		90:0:0

2ª Missio Sⁱ Pauli, vulgo Cushenhopen.
Missionarius unicus. Plantation 500 acres.

Annual Income	By plantation – –	45:0:0
	By Salary from London – –	20:0:0
		65:0:0

3ª Missio Sⁱ Joannis Nepomuceni, vulgo Lancaster town.
Missionarius unicus. 3 lotts in town chiefly settled.

Annual Income	By ground Rent – –	4:5:0
	By Salary from London – –	20:0:0
		24:5:0

4ª Missio Sⁱ Fr: Regis, vulgo Conywago.
Missionarius unicus. Plantation 120 acres.

Annual Income	By Plantation – –	20:0:0
	By Salary from London – –	20:0:0
		40:0:0

Notanda.

1º Pensilvany has about 3000 adult Customers, sive Commts [*Communicants*], near as many under age or non-Commts

2º The extent of their excursions is about 130 miles long by 35 broad.

3º Their burthens, or expences, same as Maryland, as to Publick meeting places, and moreover must provide themselves to bread, meat and *drink*(c) – – – no *plantation*(c) land, no slaves[3] at all, and little or rather no hospitality, which is a heavy burthen in Maryland, and in great measure unavoidable. *They in Philadelphia and Lancaster have bread and meat to buy.*(c)

Hunter-Dennett report, as above, No. 97.

What Father Hunter meant by saying that there was no land (*to farm*) *must be that the missionaries let out to tenants all their property, and kept themselves free for the ministry alone. He uses the term* plantation *in a generic sense as signifying here a farming estate, and he cancels the same word in his* Notandum 3º *as ambiguous, owing to its specific sense of a Maryland or southern tobacco-growing estate.*

No. 107. 1740–1830.

Further particulars about the Pennsylvania property. *For the brief of titles, items of contribution received from the congregations, articles borrowed from the Maryland property, and other circumstances as to the acquisition, preservation, and improvement of the Pennsylvania foundation, reference may be made to a sketch of the documents published elsewhere, which we need not repeat here.*

T. Hughes, S.J., Properties of the Jesuits in Pennsylvania, 1730–1830, *in* Records of the American Catholic Historical Society, Philadelphia, xi. 177–195, 281–294.

(c) *Words in italics erased.*

[3] *Cf.* Nos. 46, 97, 114, F–K.

No. 108. (1793)–1821.

Waste in Pennsylvania: Goshenhoppen. *One form of loss by simple deterioration was common to all the Pennsylvania farms or Maryland plantations, which had the misfortune to be managed by missionaries; but the deterioration was not usually to such a degree as that of which Goshenhoppen affords an instance. The priest in charge there was the Rev. Paul Erntzen, a secular clergyman, who, on the 13th of Oct., 1812, signed an obligation to Francis Neale regarding the property of which he was put in possession. The schedule annexed declared in particular that the property was* called The Catholic Church Land, lying in Goschenhopen, Hereford Township, in the County of Berks, Pennsylvania, containing 500 acres more or less. *The Vicar-General of Philadelphia, the Rev. Louis de Barth, tells what became of the property under Erntzen's management. Writing to the procurator, Father Adam Marshall, on Sept. 17, 1820, he speaks of the heirs of the late Rev. Mr. Erntzen,*

A. 1820, September 17.

who, it is apprehended, may institute a lawsuit against me as agent of Rev. Mr. Neale, and succeed in reversing the judgment of the court, which allowed $4,500 to Rev. Mr. Neale for damages sustained at Goshenhopen, by the neglect of the late Rev. Mr. Erntzen, who lived on and enjoyed the revenue of the farm for the space of 25 years, and notwithstanding left the premises in a most ruinous situation.

A month later, De Barth explains to Marshall that money is scarce and uncertain, because the Prussian Consul may push the claims of the Erntzen heirs and use up the funds. Five months afterwards he is in hopes that, after settling the Erntzen estate, there will remain $300 for some practical purpose. The whole succession, he learns, amounts to $7000, of which $2000 are but debts.

B. 1821, March 21.

I fear that nothing at all will be left for the heirs in Europe. I doubt even whether Rev. Mr. Neale will receive the full amount of the indemnification granted by law.

Finally, after several more months he says:

C 1821, June 25.

I do not know whether in my former letters I mentioned to you, that the heirs of Rev. Mr. Erntzen have sent a power of attorney to the Prussian consul in Philadelphia, to demand the estate. We may expect a suit. I was always apprehensive of it.

Md.-N. Y. Province Archives, (g) Goshenhoppen: obligation of Erntzen to Neale, 1812, Oct. 13; letters of De Barth, Conewago or Philadelphia, to Marshall, Georgetown, 1820, Sept. 17, Oct. 26; 1821, Mar. 21, June 25. Cf. No. 105, 2°.

It may appear that this is the case to which Mgr. Marechal intended to refer some six years later (1826), when, in urging his claims to own all the Church property of the Jesuits,[1] *he based his demands, with regard to churches in particular, on the infidelity of Jesuits hitherto in preserving such property for the uses of religion. He cited some case of* Father Beeston, a Jesuit, *he said,* who held sacred property in Philadelphia by a deed in fee simple, and which was seized by his natural heirs; and, *added Marechal, the case was* laid before the Holy See by Father Grassi. *Possibly by Beeston and Philadelphia the claimant was really designating Erntzen and Pennsylvania; for all the circumstances mentioned are unwarranted by facts.*[2]

[1] *Marechal proposed that the Jesuits in America should be ordered by the General* de ne jamais recevoir le titre civil d'aucune Église. *Cf. infra,* No. 131, 3, 2°; *1824, Nov. 4. This was the same demand which, in urging a secularizing law of Mortmain, Lord Baltimore had made 180 years before. Cf. supra,* Nos. 6, H–R, *passim;* 12, A; 15; 22.

[2] *Beeston does not appear ever to have held the title in fee simple to property which touched the Jesuits. He was a secular priest himself* (No. 93, note 39). *On occasion of Father Grassi's going to Rome (1817–1818), we find no communication relating to Beeston, who had died before Grassi himself ever went to America (Oct. 21, 1810), and during the long interval when the Abbé Marechal himself was not in America, but was working in France (1803–1812). Cf.* No. 111, p. 365: *Beeston, a charter-trustee.*

Marechal connects with Beeston as a Jesuit trustee in Philadelphia, and Grassi as a Jesuit reporter or referee in Rome, a parallel case which he adduces of a Jesuit sacrilege deliberately committed not long since in Harford County, *at Deer Creek. All these references and allusions seem to be of equal historical value. However, in the vague recollection which Marechal may have kept of the Erntzen case, there was a basis for his assertion; the claim was for religious property, but it was against Erntzen on behalf of the Jesuits themselves. In all cases, whether it was the Englishman Beeston or the Prussian Erntzen, it was not* a Jesuit's *case. As this matter trenches on a wide question of jurisdiction claimed by Marechal over the Order, and, in strict connection therewith, over the property of the Society, we can only mention here the passages just alluded to, and refer to the documents.*

D. 1826, October 14.

Marechal, Baltimore, 14 Oct., 1826, to Dzierozynski, Georgetown.

. . . P. S. Two facts prove the necessity of stating the end for which sacred property is deeded to any member of the Society. The 1st laid before the Holy See by Father Grassi is Father Beeston a Jesuit, who held sacred property in Philadelphia by a deed in fee simple, and which was seized by his natural heirs. The 2d. The sacrilege deliberately committed, not long since, in Harford C[*ount*]y.

The end *to which the prelate here alluded as essential to any gift intended for Jesuits, and as a condition to be declared by the donors upon oath before a civil magistrate, was that they meant their donation only as a trust in the hands of the Jesuits for the use of the archbishop; and so the Jesuit trustees should never be able to defraud the local donors of the fruits of the donation. With this oath taken by the donors, and publicly registered as a guarantee against the Religious Order, the third archbishop of Baltimore said that he would allow a church built for the Jesuits to be opened for Divine worship. Otherwise he declared publicly to the benevolent laity of Upper Marlborough, he would not be doing his duty in ensuring* the perpetual preservation of the places consecrated to Divine worship. *Privately to Father Dzierozynski, the Jesuit Superior, he adduced Beeston and Deer Creek as the motives of his policy. Cf.* No. 139, A, note 4.

The Superior, in a respectful reply, added at the end a word about Beeston, and took no notice of the allusion to Deer Creek (Oct. 15).

E. 1826, October 15.

Dzierozynski, Georgetown, 15 Oct., 1826, to Marechal.

This I know, that the Rev. Mr. Beeston was not [*a*] Jesuit, when he died.

The prelate sent a long answer (Oct. 18) which closes thus:

F. 1826, October 18.

Marechal, Baltimore, 18 Oct., 1826, to Dzierozynski.

You terminate your letter by these words: "As for those who induced the people to deed the Church of Marlborough to Fr. Neale, and promised attendance, or who threatened, I know nothing, etc. etc. etc. This I know, that Rev. Mr. Beeston was no Jesuit, etc. etc." Such are your stories. Rather than confute them, I like better to conclude by assuring you that I am with esteem, Rev. Father,

Your humble servant,

+ Ambr. A. B.

General Archives S.J., Maryl. Epist., 6, vi., *1826, Sept. 15, Marechal, Baltimore, to Mr. Charles Hill, Marlborough; Oct. 12, Dzierozynski, Georgetown, to Marechal; Oct. 14, Marechal, Baltimore, to Dzierozynski; Oct. 15, Dzierozynski, Georgetown, to Marechal; Oct. 18, Marechal, Baltimore, to Dzierozynski. These are all copies contained in one letter of Dzierozynski to the General, 1826, Nov. 10.—Md.-N.Y. Province Archives, the two originals of Marechal, Oct. 14, 3 pp. 4to, and Oct. 18, 4 pp. 4to, under their dates, with copies or drafts of the others.—For this Upper Marlborough case, cf. infra,* Nos. 135, O, P; 139, note 4.

No. 109. **1820, 1821.**

Liquidation in Philadelphia and New York: St. Joseph's and the Literary Institution. *Besides mismanagement, whoever it might be that was locally responsible for it, there was a set purpose formed, in view of heavy incumbrances, to realize on landed property wherever liquidation was possible. The property in New York was disposed of, situated in that part where the great Catholic cathedral of New York now stands. The Baltimore property was made a present of to the cathedral of Baltimore. The city lots and rights in Philadelphia were to come next. Lancaster may be reckoned last. Where the Jesuit managers themselves did not scatter, it would be marvellous if others did not lend themselves to the work. The only wise man among them all seems to have been the Vicar-General of Philadelphia, Louis de Barth, whose word, however, did not avail to stem the tide of liquidation. To indicate the main steps of the process, the statements of the chief manager, Adam Marshall, are quite satisfactory. On the 5th of March, 1821, he writes to the General, and takes a view of Philadelphia and New York.*

A. 1821, March 5.

8. This [*the property in Philadelphia*] consists of a ground rent of two houses and lots amounting to $88 annually, and one house and church adjoining. The house and church are in a very confined situation, separated from the street, and can be approached only by a narrow passage. The church has exteriorly more the appearance of a stable than of a church; the house is good, but not sufficient for any public purpose. This property has never been of any use to the Society; during the life of Bishop Egan, he and his clergy occupied it, and at his death it was left in ruins; and, since the year 1814, the Society has spent $1,387 on repairing it. It is at present occupied by the new Bishop; I have endeavoured to make him pay a rent for it, but have not as yet succeeded. I am even obliged to pay the taxes and an annuity of $36 for money that was borrowed for the use of the said house; altogether amounting to $98

annually. We had also $1,100 in stock, which I sold, and applied the proceeds of it to the support of the [*Jesuit*] Seminary in Washington.

Though the New York property is not classed under Pennsylvania, its relation to general ways and means is identical with the Philadelphia items which we are considering. Hence we continue with the same procurator, who goes on to speak of the property in New York, formerly the New York Literary Institution.

B.

This property was originally purchased by two gentlemen for $13,000, which they borrowed from an Insurance Company at 7 per cent., to which Company they gave their bond and a mortgage on the property for the amount of money borrowed; and for their own security kept the titles of the property in their own hands. It consists of three different lots of ground. The first contains 5½ acres, which is held in fee simple, subject however to four bushels of wheat annually. The second contains 5 acres, and is held on a lease which expires in 2 years after next May, and is subject to $10 ground rent per annum. And the third contains 18 acres; is also held on a lease, which expires in 4 years after next May, and pays $40 per annum. *Description.* At what time or by whom the Society was made answerable for the debt contracted in the purchase of this place, I do not know. At the time when Father Kenney compelled me to accept the office of Procurator, there were still $10,000 due on it. I am now endeavoring to pay a part of it. We will not be able to pay it without selling a part of our real property. And, as real property is now so low, and no probability of its rising in value, it will require the proceeds of no small part to pay this debt. . . .

The Superior, in conjunction with the trustees of the Corporation, have given me permission to sell the two last mentioned properties [*i.e. the New York and Philadelphia properties*], for the purpose of supplying our current expenses and diminishing the principal of the New York debt. I have since made every effort to sell the house we own in Philadelphia to the trustees of the Bishop's cathedral, to whom alone it can be sold, as the church adjoining to the house must go with it; but to no effect. Such has been the confusion and dissension among the Catholicks in Philadelphia since his arrival, that nothing could be done. The property in New York was sold on the 27 of Feb. for $1800, and the purchaser was so little satisfied with his bargain that, after buying it at the publick sale, he gave us the liberty of keeping it if we chose. After considering on it, and consulting those whom I thought most capable of giving a correct judgment on the subjects, I thought best to let him have it. I presume the Superior and trustees have written to your Paternity and exposed to you the absolute necessity we are in of selling this property.

General Archives S.J., Maryl. Epist., 2, ii., *1821, Mar. 5, Statement of Adam Marshall to the General*, Nos. 8, 9.—*Cf. Md.-N. Y. Province Archives (at St. Joseph's, Philadelphia), correspondence of Marshall and his agent Jos. Snyder. For other particulars on these matters, cf. Ibid., Cc. Marshall's statement, 1824, to the Superior Dzierozynski.*

At this very time De Barth was endeavouring to set Marshall on his guard against the Philadelphia agent, Snyder, whose advice he was following. He represented that Philadelphia was the seat in the future for an academy or college manned by Fathers and scholastics, and therefore the property should be kept; and, as he said, both temporal and spiritual concerns would have been profitably attended to. *He urged that old stock once invested was not to be spent for temporary or casual purposes, at least unless it was directly for the good of the Society.*

C. 1820, October 25.

Not long ago I had mentioned to the same Mr. Jos. Snyder that this stock being the amount of the economy of the old Jesuits, or of some of their houses [*I*] said, the income therefore ought to go towards the benefit of the Society, and not to the repairs of this house, which could be kept in repairs by the trustees, by paying some yearly rent for their Pastors to the owner thereof.

He stigmatized the whole system of temporary expedients, selling here to pay there, as the plan of making one hole to fill up another. *And he struck at the root of the economical evils subsisting among the Jesuits by using the following trenchant language:*

D. 1820, September 26.

I do not know the whole Institut [*of the Society*], but I have been told, and read it likewise, that it is a masterpiece. Even the impious acknowledge it. Nothing, it is said, is left unprovided for. Surely St. Ignatius has then foreseen, that by far the smallest part of his children would have any turn, and, if true children, still less inclination for farming, unless compelled by obedience. And this holy Father, knowing so well the cunning of Satan, must have guarded his children against a temptation now existing in this country, viz. that the devil, in order to hinder the children of St. Ignatius to become good missionaries, would try to make them bad farmers, and thus, d'une pierre deux coups, the spiritual is neglected and the temporals ruined, and thus farewell the Society. It is come near to the point at present.

Md.-N. Y. Province Archives, (a) Goshenhoppen, De Barth's correspondence with Adam Marshall, as above; 1821, May 30, May 17; 1820, Oct. 25, Sept. 26.

No. 110. **1820–1824.**

Marshall's statement, 1824: missionary farmers. *The property of the Society in Philadelphia was considered by the bishop, Henry Conwell, to be a reserve and protection against the encroachments of lay-trustees. He wrote to Father Adam Marshall, April 7, 1821, when proposing to buy from the Fathers their land titles:*

A. 1821, April 7.

I never yet mentioned my intentions to any person further than to say that Religion would be ruined in Philadelphia, were it not for the property of the Society, where there is a retreat from the mob—and my frequent mention of this, with thanksgiving to God for it, gives me the name of a Jesuit among those deluded people, who like all wicked miscreants are in the habit of speaking of them with asperity. *He does not know what he should offer; he would* engage to pay 1000 Dollars for the first year with legal interest on the sum to be paid from the day of ratifying the purchase, which interest is to be reduced according to the payments.

I have got very consoling news this day; that is, that the church of St. Mary's and the burying ground is not altogether in the power of trustees.

More news of the same kind came in as the Jesuits gradually unearthed their titles, discovered the full chain of wills and devises, and so rendered the titles in Philadelphia, like those in Maryland, perfectly secure.

But new circumstances developed in the course of negotiations. Writing from Reading, 1 Dec. 1823, to Father Anthony Kohlmann, Bishop Conwell signified his anxious wish to have Jesuit establishments throughout the diocese of Philadelphia, *and, having enlarged on this point, proceeded to state his object in securing for himself the Jesuit foundation of Sir John James.*[3]

B. 1823, December 1.

In order to succeed, there should be two (bini) together at least, belonging to Societies, so as that they may be recalled and others sent in their place occasionally as the success of the Mission may require, which belongs to Societies alone to perform. I believe the letter to the Rev. Mr. Fenwick, which I explained to the venerable Superior [*Charles Neale?*] and you in Lancaster, gives you no longer any reason to think that I would be inclined to invade your just rights or privileges. My object in getting from the Holy See a Collation in Commendam

[3] No. 70.

for Lancaster County and having it constituted into a Parochial Benefice, was to get possession of the Pennsylvania Mission Fund, which, I had been led to believe, was annexed to Lancaster, and which unprecedented circumstances made it necessary for me to claim, as the Chief Missioner of Pennsylvania deprived of all subsistence, but which notwithstanding I would not apply any part of to my own uses without the Apostolical Indult comprised in the Collation, to relieve my conscience from any scruple or idea of responsibility.

The agent of the English Jesuits hitherto received the whole amount annually, part of which they remitted to America, but retained a part, as I now understand, in their own hands towards liquidating a certain sum or sums, borrowed for building Georgetown College.[4] I understood by Mr. Barth that no part of it has been received or remitted to America these four years back, that is, since my appointment.

Your venerable Superior told me that he would write immediately, which I suppose he has done, to the Superior at Stonyhurst, to signify to him how that affair stands; and, to guarantee to him the payment of whatever was due at the time of my appointment to the See of Philadelphia. And by this means the Rev. Mr. Scott [*S.J.*] will not hesitate to give the remainder into the hands of Rev. Francis Tuite, Dr. Poynter's agent, as he did with respect to a certain share of the same from the 27th of May, 1821, to May, 1823; which I have announced to Dr. Poynter that he might expect from Mr. Scott; and this, you see, is perfectly just. *If Father Kohlmann comes to Lancaster, the Bishop hereby appoints him Vicar-General for a certain district. He makes a series of offers to the Society, of the Joseph Kauffmann farm in Indiana County, of a Greensburg farm, where the Rev. Mr. McGirr now resides, of a property left to the Church by the Rev. Mr. Browers.*

Md.-N. Y. Province Archives, Bishop Conwell, Reading, Dec. 1, 1823, to Anthony Kohlmann.

The good bishop was occupying the Jesuits' property in Philadelphia. Though the Society paid for everything, repairs, taxation, annuity, without receiving even a rent, Bishop Conwell wrote, on Jan. 12, 1824, to the Superior Dzierozynski, reviewing the case already treated with Marshall of procuring from the Society of Jesus, for $5000, this Philadelphia property, which, however, he went on to say,

[4] *The Bishop's information was incorrect. The Fund, dedicated to the Jesuit Missions in Pennsylvania, was always placed in the English accounts as to the credit of the American Mission; and was balanced against the debts of the American Jesuits to those of England. Cf.* Nos. 70; 90, 6º; 148, A, 2º; 173, C, D. *Cf.* No. 150, K, L, *an entry in the Ledger of the London procurator, Father W. Strickland, for 1811, noting the permanent credit of Maryland for £53 . 11 . 8, on account of* the Pennsylvania fund; *the remittance being made to him* generally in May, *by the Vicar Apostolic of London.*

C. 1824, January 12.

your Society claim, whilst the Catholic people urge a claim also, as having advanced all the money that was ever expended and laid out on it.

The bishop adds that he has written in this sense to the Sacred Congregation, and they have answered from Rome, not by making a present of the Jesuits' property to him, which is beyond the attributions even of the Holy Father, but by writing a circular to all the bishops, *asking their kindly assistance for the Bishop of Philadelphia. This very regular proceeding, though not so satisfactory to the claimant for the Fathers' property, may have helped to open Marshall's eyes, when even a kindly disposed bishop like Dr. Conwell could afford to take such measures behind the scenes. He wrote immediately afterwards to the Superior (Jan. 20, 1824), that he did not approve of selling the property to the bishop; for, if things went against his lordship ultimately in his contentions with the schismatics, the payment of moneys received would devolve upon the Society. He said he was now writing a full account of the affairs in Philadelphia, and would forward it to Father Dzierozynski.*

The statement so forwarded, covering the whole period from Aug. 22, 1820, at which date Marshall took matters in hand, till Jan. 1, 1824, is indeed a very interesting relation of Jesuit management. We append some of the items, by way of specimen, beginning with the annuity, which Marshall was paying in Philadelphia; proceeding to the management of an estate (Portobacco, St. Thomas's Manor), during a quarter of a century, by no less a person than Father Charles Neale, three times Superior of the whole Mission; and ending first with a reference to the management of temporalities by the three Archbishops of Baltimore, and secondly with a reflection of Marshall's own.

D. 1820–1824.

Annuity in Philadelphia. This annuity is paid to a man of the name of Carry [*Corry?*], a relation of Bishop Egan, to whom at his death he left a sum of money; which sum was borrowed from him by Mr. De Barth, agent of Mr. Francis Neale, on the condition of paying to him for it an annuity of $36 during his life. This money was expended in repairs of the house, now occupied by his successor. This house was left by Mr. Egan at his death in a very delapidated condition.

E.

The only account I could get from Mr. Charles Neale about St. Thomas's, who had been its manager till this meeting [*Aug. 22, 1820*], when he resigned and Mr. Francis Neale was appointed, is the following :

Debts : between $1300 and 1400.

This place gave nothing to the general fund during the last 3 years [*under Francis Neale's management*], and I am told never [*gave anything*] before [*i.e. during more than thirty years under Charles Neale's management*].

F.

Revenue expected for current year, 1824. Rents from Cedar Point (St. Thomas's, 3000 acres) and Bohemia (1000); half in crops and half in rents from the tenants: $2000; but all will depend on the success in compelling the tenants to pay. *B. Newtown (700), and St. Thomas's, Portobacco (1000),*[5] *apparently hopeless. C White Marsh (2000), of which Marshall himself is manager: $400. D. Brent's debt (supra,* No. 87, O). *E. Stump's* (No. 88, p. 304). *F. Hire of some negroes.* [*G*]. *Conewago (500): nothing.*

Finally, to quote one more passage from the Statement of 1824, Marshall compares the prosperous Bohemia, held by non-Jesuits, with the decadent Cedar Point, 3000 acres, part of St. Thomas's Manor :

G.

It ought also here to be remarked, that Bohemia was for a long time in the hands of Bishop Carroll and after him in those of Bishop Neale for a short time ; and, before Bishop Carroll, in the hands of the Sulpicians of Baltimore, who placed on it [*Abbé Marechal*] the present Archbishop of Baltimore. Cedar Point has been under the sole control either of Jesuits or ex-Jesuits, from the first occupation of it: the former [*Bohemia*] contains about 1,000 acres, the latter [*Cedar Point*] 3,000 ; the former is in good condition, its wood preserved, and the land and buildings in good order and well taken care of, the latter in a most wretched condition, the wood destroyed, the land exhausted, the buildings mostly in ruins ; in fine, the former 1,000 acres have produced more nett rent in 3 years, than the latter 3,000. Considering this fact, tho' only one, can we be surprised that so many people are found, who think that the hands of the Jesuits are not the most worthy, into which property destined for the support and propagation of religion can be placed ![6]

[5] *The use of 1400 at St. Thomas's was assigned to the house ; on which cf.* No. 114, F-K. *Bohemia had 110 acres for a home-farm, and yet, says Marshall, this* supports the house. *They* are cultivated by B[*rother*] Heard. *Father P. Epinette was pastor.*

[6] *It will appear below that Marshall, agreeing here with Marechal, disagreed with that prelate's ulterior conclusions. Cf.* Nos. 119, [VI.]; 135, Prop. 15, 2º

Md.-N. Y. Province Archives, 1821, April 7, Bishop Henry Conwell, Philadelphia, to A. Marshall, with enclosure for F. Neale, as infra, No. 111, A, *on the titles of St. Mary's Church. Ibid., 1824, Jan. 12, same to Dzierozynski. Ibid., 1824, Jan. 20, Marshall, Washington Seminary, to (Dzierozynski). Ibid.,* Cc, *Marshall's Statement, 1824,* p. 3, 10, 5, 9, 10.

No. 111. **1821–1828.**

Philadelphia: St. Mary's. *After Marshall had tried ineffectually to rid the Society of St. Joseph's, Francis Neale to more purpose resigned all rights over St. Mary's. Bishop Conwell wrote to him, on April 7, 1821, saying how apprehensive he had been, lest the bad men* styling themselves Catholics, *should deprive* the real Catholics of the principal Church of this city, called St. Mary's Church. *But, he continued—*

A. 1821, April 7.

I was comforted by the consoling news, that you had the title of this Church and the burying ground, by a deed to you from the late Rev. Mr. Molyneux, who derived his title to it from the Rev. Mr. Harding. If this be true, I am relieved, and religion will be preserved in Philadelphia against the powers of darkness. I request therefore that you will inform me, on receipt of this, immediately, by return of post, how far these things are true or false. . . . Not knowing, whether or no this would find you in Georgetown, I enclosed it to the Rev. Mr. Marshall, having occasion to correspond with him.

The letter to Marshall, on the same day, is that in which Bishop Conwell begins negotiations for buying out St. Joseph's. From this date, during nearly five years, there is intermittent correspondence on the subject of St. Mary's, till we arrive at Nov. 5, 1825. Then Father Francis Neale writes to the Superior, whose letter he acknowledges, as having come thro' the hands of the Rt. Rev. H. Conwell, Bishop of Philadelphia, *and he says that, after reflection, he has deeded St. Mary's Church to the bishop, at the same time desiring his lordship to reciprocate by making a legal acknowledgment that St. Joseph's is Jesuit property, and by paying a little rent. Neale executed the indenture under date of two days later, Nov. 7, 1825, conveying his rights over St. Mary's absolutely and for ever to Bishop Conwell, for the consideration of five shillings. The nature of these rights, with the series of wills, Harding's, Lewis's, and Molyneux's, and the deed of conveyance, was expounded by the bishop in a pamphlet of 1832, with*

a statement that the bishop, having obtained this indenture for the sake of protecting the property against the schismatics, would consider it his duty to surrender the same by deed to the said Francis Neale and his heirs. However, the following letter of Bishop Conwell to Father Neale puts a slightly different aspect on the latter phase of these negotiations (June 18, 1828):

B.

Philadelphia, June 18th, 1828.

Very Reverend Dear Sir,

Your favour came duly to hand. With respect to the deed which you gave me of St. Mary's Church, I shall give you a deed of the same, as far as the law allows, to be held by you and your heirs and assigns for ever in trust for the Bishop who shall succeed me and all future Bishops of Philadelphia, who be in communion with the Holy See. And, as for St. Joseph's Church and the property attached to it, I claim no right to it further than that of a tenant under you, during my life, to pay one dollar yearly, by a bargain made with Rev. Adam Marshall, who had authority from you to act for you at that time; and who covenanted with me, at the same time, to convey the said premisses to me for ever, on my paying down $5,000.

If you desire it, I shall give possession of everything that belongs to you here to the Very Rev. William Matthews, in trust for yourself and heirs. I have been at considerable expenses to maintain a cause of action in defence of your rights, which I gained; and I expect you will commission Mr. Matthews to pay me—as I have great need for it at this moment.

Previous to my coming here, the clergy had a yearly revenue for their support, derivable from ground-rents and tenements, which were alienated by Mr. Marshall, on my coming, to my great disadvantage. In consequence of which, the demand I make at present must appear trifling, in comparison with what I have been considered to have a just claim to, as their rents were judged to be attached to the Establishment.

I have the honour to be ever, Dear Sir,

With great respect,

Your sincere and faithful friend and servant in Xt,

+ Henry Conwell,

Bishop of Philadelphia.

[*To*] Rev. Father Francis Neale.

Thus, in the mind of this prelate, and much more in the eyes of others less kindly disposed, no gratuitous allowance was ever made to priests, which was not thenceforth considered by parties interested to be a sacred right; and the charity shown to any one was taken

to ground an imperative demand for every one, who could boast of a relationship by function or office with the first pensioner taken in on charity.

Md.-N. Y. Province Archives, 1821, April 7, Conwell, Philadelphia, to Francis Neale, Georgetown, 2 pp. 4to. Ibid., same on same day to Marshall. Ibid., 1825, Nov. 5, Francis Neale, St. Thomas's Manor, to Dzierozynski, 3 pp. 4to. Ibid., 1828, June 18, Conwell, Philadelphia, to Francis Neale, care of the Rev. Wm. Matthews, Washington City, Maryland, *forwarded to Port Tobacco, Charles County, 2 pp. 4to. Printed pamphlet, 12 pp. 8vo, containing chain of wills and indenture, beginning:* Previous to the year 1733 . . .; *ending:* . . . 4 Febr. A.D. 1832, A. McCaraher, Recorder. *Cf.* American Catholic Historical Researches, iii. 58–68. *Cf. Records,* American Catholic Historical Society, iv. 269–271, *for incorporation of St. Mary's congregation, Sept. 30, 1788, Fathers Molyneux, Beeston and Graessel being among the charter trustees. This charter-trusteeship of Beeston's is probably the nearest approach to the tenure* in fee simple *ascribed to him by Marechal, supra,* No. 108, D.

No. 112. **(1742)–1830.**

Lancaster, Pa. *The station at Lancaster seems to have been an object of special predilection with the Fathers in the early part of the nineteenth century. To quote only the Superior's statement to the General as late as 1830, Feb. 22, Father Dzierozynski says about the Jesuit property and prospects there:*

5. Lancaster in Pennsylvania. Haec est una ex maximis civitatibus in hoc Statu, habemusque in ea nostram domum et ecclesiam pulchram, quae nunc occupantur a sacerdote saeculari, quia non habemus e nostris quem ponamus, praesertim scientem linguam Germanicam, utpote majori ex parte Germanis sit inhabita[*ta*]. Optimus esset hic locus tam pro scholis publicis quam pro missionario.

Twenty-four years afterwards, the Rt. Rev. John N. Neumann, Bishop of Philadelphia, procured the passing of an Act of Assembly, whereby he was authorized to borrow $10,000 on the credit of this Jesuit property. In recent times, the Roman authorities were referred to for some authorization, or guaranty title, in virtue of which some land near the church was sold and money was raised.

General Archives S.J., Maryl. Epist., 3, i., *1830, Febr 22, Dzierozynski to the General.—Georgetown, 1899, Sept. 3–24, correspondence of Mr. S. M. Sener, Rev. H. G. Ganss, Fathers E. Devitt and J. Chester, S.J. Cf.* Nos. 103, III.; 104, III.; 106, 3ª—*Cf.* Records of the American Catholic Historical Society, v. 305, *seq.,* Memoirs of Lancaster, *by Sener.*

No. 113. **1813–1814.**

White Marsh and Bitouzey: action of trespass threatened by the lodger against the landlord. *Other portions of the property, whether in*

one State or another, were passing through crises of their own. On Oct. 26, 1813, it was ordered by the Corporation, that the novitiate of the Society, which was now too large for the accommodations at Frederick, should be removed to White Marsh.

A. 1813, October 26.

Proceedings of the Corporation, Oct. 26, 1813.

5. It being presented to the Board that the number of young postulants for the Church are too numerous to be received into the temporary residence at Frederick-Town, resolved, that the house already ordered, and in some degree of forwardness at the White Marsh, be finished this present fall for their [*the novices'*] reception. Therefore the agent, jointly with the manager, is hereby authorized to employ any workmen they may judge necessary for the purpose.

At the same time, by another resolution, they accepted the resignation of the Rev. Mr. G. B. Bitouzey, registering a formal vote of thanks:

B.

Proceedings of the Corporation, same date.

4. Whereas the Rev. Mr. G. B. Bitouzy, having presented his resignation as manager of the White Marsh plantation, and the Corporation being convinced of his exertions and judicious management of the said plantation, do hereby vote him the sincere thanks of the Board, and do appoint the Rev. Benedict Fenwick to succeed him in the management of the said plantation.

The Rev. Mr. Germain Bitouzé, a Norman, had been admitted by the ex-Jesuits into their Select Body of Clergy, on Sept. 4, 1797; he had been appointed successor to Father Ashton in the management of the important White Marsh plantation on Nov. 3, 1801, and, on Aug. 11, 1802, he was elected one of the Corporation Trustees, with the two bishops, Fathers Walton and Molyneux. Since that time he had done excellent service, both as a plantation manager and as a Trustee, being always re-elected to this responsible office. What had led to his proffered or threatened resignation was his indignation at seeing his White Marsh designed for a Jesuit institution, and that at the instigation of such men as were now in charge of the Society or were important factors in it, a Father Anthony Grassi, the Superior, or a Father Beschter, novice-master. These men were deputed by the General in Russia. Hence Bitouzey contemptuously calls them Russians. *And the Society in general comes in for a fair share of his contempt and wrath. A sketch of the correspondence will now show*

how the whole property and its titles vested in a Corporation were found to be involved, owing to the mixed character of the Board of Trustees as well as of the Select Body which they represented. Ten days before the meeting at which Bitouzey's resignation was thought to be offered and was accepted, Archbishop Carroll gave Father Grassi timely warning of what was coming. Speaking of the disappointment caused by the attitude of Mr. Bitouzey towards the new building and the establishment of a novitiate at White Marsh, he entered on a larger question.

C. (1813), October 16.

Carroll, Baltimore, Oct. 16,[a] *(1813), to (Grassi).*

During the last four or five years, he [*Mr. Bitouzey*] has constantly expressed a desire of retiring from the management [*of White Marsh*] committed to him, and he was with difficulty prevailed on by the other Trustees and myself to suspend his removal. *Probable explanations.*

Let me beseech you to recommend to the members of the Society to follow the instructions of the Very Rev. Fr. General, and convince themselves that [*they*] have not, and cannot have yet, any corporate right in the ecclesiastical property of this country. I see, methinks, a cloud gathering and raised up by some anti-Jesuitical clergymen of different nations amongst us, which threatens much trouble, if they can raise it; but their enmity would give me little alarm, if it were not irritated more and more by the presumptuous language and premature pretensions of some of your subjects. Mr. Malou, as Pasquet relates, was rash enough to say to him or before him, that all the estates, held by the Corporation, belong now to the Society, and ought to be under the controul of the General. I myself have heard sometimes from others language of nearly the same tenor. Regarding it as the offspring of inconsideration, and a want of knowledge of our laws and the standing of the Catholic clergy here, I always kept in my breast these rash expressions; but Pasquet has undoubtedly carried them to Mr. Bitousey, and will make them ring thro the country, perhaps much amplified, and with invidious comments. Allow me to add, that even you yourself are sometimes impetuous for the immediate management of the temporalities, which more patience will gradually bring to the Society.—I have now received a letter of yesterday from Mr. Francis Neale, with notice of the Corporation being called together for the 25th and 26th of this month. It will not probably be in my power to attend; and yet so much do I tremble at the consequence of the resolutions which may then be adopted, that I must suspend answering Mr. Neale for two or three days.

Seemingly to the said Francis Neale, the Rev. Mr. Bitouzey wrote, three days prior to the meeting:

(a) Oct. 16, *endorsed by Grassi. Another hand has added* 1816, *whereas Carroll died in* 1815.

D. 1813, October 23.

. . . The mission, which people occasionally sent down here [*to White Marsh*] were clothed with, is no new thing to me. I knew it perfectly well before now. A personal regard for the individuals, whom Jesuitical hypocrisy had swindled into that contemptible office, prevent me from saying anything ; but I want to add something to the note which I sent the other day, viz. that I do object [*to*] the Russians having anything to do with White Marsh in any shape whatever. I am determined never to live where any of them is master, and never to agree that any of them live where I may happen to be master. Their plan of turning out every old member of the Corporation, that is to say, those very members by whom they have been kindly received, those very members who admitted them to partake of their bread, and divided it with them with liberality and generosity—that plan, I say, might perhaps do in the wilds of Syberia, but will not do here; and that plan must appear so much the more odious and contemptible when it is observed that the man who is at the head of it is a man that we feed and support, a man who is not a member, a man who, for the most weighty reasons, ought not to be admitted among us, and who, I trust, never will. I will oppose those invaders with all the firmness and resolution which I am capable of ; I will oppose them by all the means, which in any way whatever can be within my reach. I will be much obliged to you for giving them this information, sent to them by me without the intervention of spies. The more public you will make it, the more obliged I will be to you for saving me the trouble of doing it myself.

I remain with respect,

Your most ob^{t} Ser^{t}

G. B. Bitouzey.

Oct. 23, 1813.

It is to be observed that the Superior of the whole American Mission, Father Anthony Grassi, was not declared to be a member of the Select Body till June 29, 1815, more than a year and a half after this; and Father Beschter, the novice-master destined for White Marsh, was admitted on June 14, 1814, a little more than half a year after Bitouzey's letter.

E. 1813, October 25.

Carroll, Baltimore, Oct. 25, 1813, to (Grassi).

. . . The Rev. Mr. Francis Neale sent [*me*] a copy of Mr. Bitouzey's letter to him. You see how the flame has kindled ; which must be a warning to us, who love and wish for the re-establishment of the Society with due canonical authority, and a formal derogation of the lamentable brief of Clement XIV., to proceed with the utmost legal caution ; least that happy event should meet with unexpected and perhaps insuperable difficulties.

Here followed on Oct. 26, 1813, that Board meeting, already mentioned, which accepted of Bitouzey's resignation. Archbishop Carroll was unwell at Baltimore; Bitouzey himself was absent; the other three present were Bishop Leonard Neale, Robert Plunkett, and Charles Neale.

At this date, from 1811 to 1815, the Board of Trustees consisted of the two bishops, one Jesuit, and two secular priests, Plunkett and Bitouzey. This proportion was not out of keeping with its antecedents since 1802. In the election then (1802) the two bishops had been returned, with two ex-Jesuits, and one secular clergyman, Bitouzey; the two ex-Jesuits dying, there were substituted two others, Pile and Plunkett, who never re-entered the Society. In 1805 one bishop, Dr. Carroll, one Jesuit, Molyneux, Superior of the Society reconstituted in America, and Pile, Plunkett, and Bitouzey. In 1808 the two bishops, two Jesuits, and Bitouzey; but, for Molyneux, deceased, another Jesuit was substituted. In 1811 the two bishops, the new Superior of the Jesuits, Charles Neale, and two secular priests, Plunkett and Bitouzey. In 1815, after the date of this correspondence, the two bishops were returned with two Jesuits. See No. 169, B, *list of Trustees, 1793–1820.*

During this same period, the number of places in the Select Body of the Clergy was declared to be thirty, having been raised, in 1799, from the original number of twenty-six. The ex-Jesuits in 1803 were, as the two bishops stated to the General in Russia, thirteen in number. In the same year and same month, the two bishops and Bitouzey had passed a resolution (May 24, 1803).[7]

Sequence of antecedent resolutions.

F. 1803, May 24.

13° As there is happily a prospect of the Restoration of the Society in this country, the resolutions heretofore made, respecting that contingency, shall be carried into effect, as much as will depend on this Corporation: at the same time assurances are given to all those who not having been, or [*not*] intending to be of the Society, have nevertheless been associated to the Select Body of the Clergy in Maryland, that they will be entitled to their rights as members thereof during their natural life, and as long as they conform to the general regulations of the Select Clergy.

[7] *This date is one day prior to that of the joint letter, signed by the two bishops, Carroll and Neale, and addressed to the General of the Society, petitioning for the restoration of the Order in America. Cf.* Nos. 113, R; 178, F.

As will appear below, the resolutions heretofore made *were several, and one had been entered into the fundamental organic regulations, formed by the Select Body, on Oct. 4, 1793, in accordance with the Act of the Maryland Assembly, which incorporated their Board. It ran thus, as sixteenth among the fundamental resolves or bye-laws:*

G. 1793, October 4.

16º That the Trustees are required to have particular attention to the interests of the former members of the Society of Jesus, and, in case of its future establishment in this State, to use their best endeavours to restore the estates to its members: and they shall elect them into the Select Body in preference to all others.

The final article, the twenty-fourth, bound all future Trustees to take an oath of fidelity in observing these regulations:

H.

24º That the Trustees, before they enter on their office, shall bind themselves by oath made according to law that during their continuance in office they will truly and faithfully execute the trust reposed in them, according to the true intent and meaning of the regulations, adopted or to be adopted by the Ministers of the Roman Catholic Church for the management of their estates and temporalities.

This resolution about the estates was the final and legal formula of what had been the last paragraph in their original Form of Government, when they were a Chapter not yet incorporated, the Representatives of the Select Body of the Clergy after incorporation being only the former Chapter of the R. C. Clergy.[8] *That original paragraph of the Chapter stood thus (Nov., 1783):*

J. 1783, November 11.

5º The Chapter declare for themselves, and as far as they can for their constituents, that they will to the best of their power promote and effect an absolute and entire restoration to the Society of Jesus, if it should please Almighty God to re-establish it in this country, of all property belonging to it; and if any person, who has done good and faithful service to religion in this country, should not re-enter the Society so re-established, he is nevertheless to receive a comfortable maintenance, whilst he continues to render the same services, and to be provided for as others in old age or infirmity.[9]

[8] Proceedings of the Corporation, i. 15; *Constitutional Committee, 1 Sept. 1797, Resolution* 1. *See* No. 175, H, 1º

[9] *For a full view of the documents on this matter, see* Nos. 147, G; 163–169. *The*

So, at the crisis to which we have come in 1813, only one formal element was wanting, and Carroll had been looking for it during a very long period; but the exile and imprisonment of the Pope had put it off indefinitely. That was the solemn Bull, restoring the Society with all canonical forms throughout the world. However, this canonical element would not have simplified the case now threatened by Bitouzey, who was supported by another manager, the priest Pasquet on the Eastern Shore. Archbishop Carroll feared a law-suit from the side of Bitouzey, who, probably as an incorporator, might sue the Corporation[10] *for trespass or unjust aggression, in the person of the* Russian *strangers, Grassi and Beschter. Hence the case impending was that of unjust aggression or trespass by the Jesuits on their own estate of White Marsh. These points being clear, the following extracts will explain themselves.*

K. (1813), November 3.

Carroll, Baltimore, Nov. 3, (1813), *to Grassi.*

Rev. Dear Sir,

Being now much recovered, I am able to write on the perplexing situation in which Mr. Bitousey's letters and menaces, on the one side, and the proceedings of the Corporation, on the other, have involved you; but I am sadly at a loss, how to extricate you from the embarrassment, which must be felt by you and all of us. The appointment of Mr. B. Fenwick is the best that could be made. *Difficulties.* Will it not be most distressing to his feelings to be called to undertake an office [*as successor to Bitouzey at White Marsh*], where his taking possession of it will immediately expose him to a most violent contest with his predecessor, who, to judge from the language of his letter, will put every obstacle in his way, and may subject us to a most expensive and delicate, if not dangerous lawsuit; and create a host of opposition to all the gentle and peaceable provisions made for the gradual restoration of the estates to the Society. In this cruel state of difficulties on every side, what can be done but to temporise, and see if Mr. Bitousey cannot be brought to a more mild state of mind, and not send yet [*to New York*] for Mr. Fenwich. In stating this, it is not my intention to dictate, but to require you to consult the Coadjutor, and Mr. Plunkett and all others, especially Mr. F. Neale, to whose advice you may resort. If encouraged by them and you, I may perhaps persuade

same matters as impugned in documents presented to the Propaganda appear in Nos. 115–119, *et seqq. The course of business, in which the Bitouzey opposition developed, is given in* No. 178, E²–M². *For the succession of Trustees, see* No. 169, B.

[10] *Cf.* No. 187, A; *J. G. Shea's observation on applying a similar test in another case. He suggests that Charles Neale, Superior, should have rebutted Marechal's claims to the Jesuit property by* letting a corporator sue the Corporation and Archbishop.

myself to use some gentle expostulation with the present manager of the White Marsh.—I dread an appeal to law, where prejudices will be stirred up, and great scandals ensue. You will see in the enclosed letter received yesterday, how inveterate are the enemies of the Society, not only here but in other countries, and how malicious they are and unsparing of falsehoods to ruin us. This letter you will send back, as soon as you have communicated it only to the Bishop, his brother and, if you please, to Mr. Plunkett. *Dr. Carroll here rebuts some charges lodged against himself, apparently in England, on subjects relating to Dr. Milner and slave-holding.*

In the impracticable state of Bitouzey's mind, the archbishop's patience and correspondence met with little consideration from the Norman. Father Grassi had occasion to tell Father Beschter (Jan. 4, 1814):

L. 1814, January 4.

Grassi, Jan. 4, 1814, to Beschter, Frederick.

. . . In my last I forgot to mention to your Reverence, that the Rev. Mr. Bitousey has written to Rev. Mr. Mathewes, as secretary of the Representatives of the Corporation, requesting a meeting in due time, not a subreptitious one as the last of the Trustees, etc. He has also sent to the same Rev. gentelman a copy of a letter which he wrote to the Most Rev. Archbishop Carroll, in which he does not spare him ; and tells him plainly that, if it was well done by the Archbishop to get the plantation of Bohemia for himself, in order as he said to be independent from the new Society, a priest cannot be blamed if he pretends to be independent from the same new Society, and have a place in which to live, etc., etc. Mr. Mathews has not shewn to me the letter, nor did he speake any word upon this subject; but he told everything to Br. McElroy. Mr. Bitousey agrees very well on our having St. Inagoes, Newtown, St. Thomas and the College; but he pretends to have at least one place for himself, etc.

These exceptions of Bitouzey's were not warranted either by the minutes or the charter of the Corporation. There was no parity between his case and that of the archbishop, for whom, as well as for Archbishop Leonard Neale his successor, provision was made in the organic articles and in other resolutions, under two distinct heads; one that of being an ex-Jesuit and original beneficiary, the other that of being a bishop elected freely from their body. As to the last meeting of the Trustees being subreptitious, the minutes say that it was held after legal notice being given. *On his way to the next meeting of the Corporation six months later, the*

archbishop called in at White Marsh, and experienced every civility *from the Norman, except, it would appear, that of being talked to:*

M. 1814, June 11.

Carroll, Washington, June 11, 1814, to Enoch Fenwick, Baltimore:

. . . [*I*] proposed to discuss the subjects treated of in his laboured epistles, without being able to obtain hardly a word of answer; enquired whether he would attend the meeting, to which he gave no [?] decisive an answer. He is invited as usual. Tho he has taken some measures for returning to Europe, yet his language to me on that subject was very ambiguous. His loss will be a serious one to us, tho some late circumstances may occasion its being less regretted.

The quorum at this meeting on June 14, 1814, consisted of the other four Trustees: the two bishops, Robert Plunkett, and the Jesuit Charles Neale. Their seventh resolve ran as follows:

N. 1814, June 14.

7º That, as some objections have been raised to the progress of the building at the White Marsh, ordered by the 5th. resolve of this Board at their meeting, Sept. 22, 1812, and the fifth resolve of the meeting of Oct. 26, 1813; the Rev. Mr. Betouzey shall be desired by the secretary of the Board to inform him, what are his objections, and whether he persists in the resolution of opposing the progress of the work. The Archbishop and Bishop of Gortyna are appointed a committee to consider his objections, and determine whether they ought to suspend the progress of the work; if they do not find the objections sufficient, they will make their opinion known to Mr. Bitouzey and the building shall be completed with all convenient dispatch. In the mean time, the Board is fully sensible of the great inconvenience experienced by the Superior and novices at Frederick Town.

To Dr. Carroll's great regret for losing so efficient a pastor and manager, the Rev. Mr. Bitouzey left the country for France, now open again to receive and welcome exiles. And thus ended the episode which, in the year before, had elicited an ejaculation from Grassi in a letter to Cary (Sept. 25, 1813):

O. 1813, September 25.

. . . Et Deus scit quo res evadent. Oh, India! India! O Normand! O Corporation! . . .

But it was now Dr. Carroll's turn to be charged with complicity in the general spirit of disregard for the rights of the Society. The great

Bull of restoration had been reported from Rome; and, after the compliments and rejoicings, Carroll wrote to Grassi (Dec. 27, 1814):

P. 1814, December 27.

Carroll, Baltimore, Dec. 27, 1814, to Grassi.

. . . It appears from some passages in your letters [*to Mr. Enoch Fenwick and himself*], that you propose to proceed immediately to a new organisation of the members of the Society, before you have received an authentic and official notification of the act of its re-establishment, or directions from the General of the Society. Such proceeding, besides being irregular in itself, is too delicate not to require preparation and to be examined by those, who have most experience in the disposition and management of our native legislators, magistrates, etc. But, besides the propriety and necessity of much caution, which arises from the political institutions of this country, there is another powerful motive for deliberation, arising from the danger of opposition and misrepresentation, proceeding even from the body of the Clergy, associated under the term of Select Clergy. I know by certain and correct information, that one of those associated members has already begun to insinuate, that no Jesuit, of those who had taken vows under the allowance and authority of the Russian General, could have been legally admitted to be members of the Corporation; in consequence of which, he contends that all acts of the Board since that time are null and void. This same person announces that he is going to convene a meeting of the non-Jesuit members to examine into their own situation, and provide against an event which he pretends to foresee, that of their being discharged without any provision for their old age, any lodging and habitation to receive them. You and I, and the very person who raises this opposition [*Pasquet?*], know that no such system of inhumanity was never [!] harboured. But it is the duty of prudence to avoid giving a pretence, as much as possible, to malevolence to excite a clamor and public discussion.

The Superior did not treat with sufficient consideration this prudential plan of campaign. Whereupon the archbishop sent a reply, with which we may terminate the episode of Bitouzey's attempt to repel the Jesuits as aggressors or trespassers on their own property at White Marsh.

Q. 1815, February 21.

Carroll, Baltimore, Feb. 21, 1815, to Grassi, Georgetown.

Rev. and respected Sir,

I undertake at last to answer your several letters of 4th and 30th of January, and 15th of the present month. The first of them appeared to contain a string of reproaches for not having immediately adopted all your opinions, concerning the affairs of the Society, and the

appropriation of the property vested in the Corporation; and thence you seemed to distrust my zeal for the full and entire re-establishment of the said Society. Perhaps my feelings on this subject were too lively; but really they rose almost to indignation, when I conceived that you had a suspicion of my coldness or apathy on this account. For I must do myself the justice to say that, if ever any measures were taken to organize a system for the preservation of the property, which formerly did, and now again does, belong to the Society; to prevent it from being liable to waste and individual usurpation; if the College over which you preside obtained existence and legal capacity to acquire property and receive donations; if the very spot on which it stands, as well as the church, is now vested in the representatives of the College, these were originally my acts alone; they were performed without the small[*est*] expense to those, who have since enjoyed the property; my journeys year after year, my attendance on the general assemblies, my sollicitations, my care and watchfulness over the wording of the different acts of the Legislature, which were necessary to erect corporations for the clergy and the College, so that they might not be a bar against the Society in case of its revival; these were done by me alone, tho I was very much opposed by those, who have since enjoyed the possession and administration of all which was acquired for them. The proofs of their opposition are still in my possession, and every one knows how they have profited by my exertions, labours and expense. I think therefore that, contrary to my usual custom, I may claim to be, in an humble degree, de Societate bene meritus, as having protected those interests, which may by a prudent administration aid the progress of the body so miraculously restored. To which it may be added that, whilst all others were remaining with folded arms, without moving a step to prepare the way for a return of the Society, I alone opened and continued the correspondence with the General in Russia, and with his concurrence gave all that existence to it, which it could receive without a full and authentic repeal of the destructive brief of Clement XIV. I am ashamed for having said so much of myself, which nothing should have extorted from me but the undeserved insinuations of my unfriendliness for not adopting the suggestions of a zeal, which appeared to me so precipitate as to endanger the harmony of our fellow-labourers, to hurt the interests of the Society, and to embarrass my conscience as long as the Ganganellian brief remained unrepealed. *Discussion on* vivae vocis oracula *and the private restoration of the Society.* You have latterly discovered an impatience to be released from such restraints as were introduced thro necessity for the preservation of the common property, and cannot be removed otherwise than gradually, without irritating certain passions. You saw Mr. Pasquet lately. He had declared by letter, that he would remonstrate publicly against certain proceedings, and I know that he has no delicate feelings to prevent him from

appearing as a public accuser, and presenting facts, not in their truth, but according to his own jaundiced view of them. There are in our legislative bodies [*such persons*] as S^r^ John Hippesley Cox, ready to embrace the erroneous statements of mis-informed men. But there is one security for us; he knows that he is in my power. You remind me of my promised public notification of the re-establishment of the Society, which shall be forthwith complied with, and a formulary of the notification sent you, as soon as I have time. The privileges granted to the Society, as far as practicable, will be acknowledged, as soon as they are known; for I do not believe that all those formerly granted will be renewed, or ought to be desired. Some amongst them were never insisted on for prudential motives. *Further discussion on privileges S.J.; on the project of removing to Conewago, which he discountenances for many reasons, because of the debts on that farm, because of removal from the Baltimore diocese, and the danger of the novitiate being* much harrassed by the interference of an ill-affected Bishop, *etc.; on the proposal of making Father Cary novice-master; on a preferable locality, for which Carroll commends St. Inigoes.* But I pretend not to dictate.[11]

It is to be observed that, in the very ample letter directed to the General in Russia, Father Gruber, dated from Baltimore, 25 May, 1803, and signed by John, Bishop of Baltimore and Leonard Neale, Bishop of Gortyna, coadjutor, the following clear and brief statement had been made: That the property of the Society was for the most part preserved intact, and sufficed for the maintenance of thirty members; some part thereof had been assigned for the erection of a college, etc.:

R. 1803, May 25.

Quae bona ad Societatem spectabant, ut plurimum conservantur, sufficiuntque triginta Sociis alendis. Ex iis bonis post extinctam Societatem aliqua collata sunt ad extruendum Collegium satis amplum pro juventute in bonis litteris educanda. Pius VI, ubi proprium Episcopum his terris concedere statuit, et deinceps etiam, tanquam Coadjutorem cum jure successionis, utrumque ex Societate assumpsit.

In direct contradiction to this statement of the two bishops, to a resolution signed the day before by Bitouzey himself,[12] *and to the fundamental resolutions both of the Chapter and of the later Corporation, there is a statement on record, which we refer to the date of this Bitouzey*

[11] No. 178, F. *The Carroll correspondence, to which the foregoing letters belong, may be seen*, No. 178, G^2^–U^2^; *30 Apr., 1813—21 Feb., 1815.*

[12] No. 113, F.

crisis, and ascribe either to his pen or to that of one of his party. Archbishop Marechal quoted it from among the papers, he said, of his predecessor, Archbishop Carroll.[13] *It purports to disabuse the General of the Society, as having been wrongly informed that the ancient property of the Order was ever intended for the same Society when restored, or that the officials of the Corporation ever swore to observe the corresponding articles of their Constitution.*

S.

Perspicuum est ex Paternitatis tuae litteris, quarum pars nobis submissa est, quaedam per errorem ipsi relata fuisse : nempe antiquos Patres Societatis superstites non aliter erigendae Corporationi consensisse nisi hac expressa conditione, ut restitutae suo tempore Societati etiam bona restituerentur ; quod officiales ipsi Corporationis semper jurejurando promittebant. De tali juramento (quando nempe quaestio fuit obtinendi decretum a Senatu Marylandiae) nunquam apud nos aliquid auditum est.[14] Vix erat spes renovandae Societatis, cum ex antiquis Sociis aliqui consilia simul conferre coeperunt de certo aliquo modo conservandi causa religionis bona quae apud nos Sociis nutriendis prius inservierant.

Whoever was the author of this statement, probably a stranger, Bitouzey or Pasquet, Mgr. Marechal was the author of the affirmation to the Cardinals in Rome, that it was a copy of an extract from Dr. Carroll's letter to the same Father General Gruber, to whom Bishops Carroll and Neale wrote once, but in quite a different sense.[15] *Father Gruber died after receiving and answering their letter. No sign appearing that his reply had reached its destination, Gruber's successor, Father Thaddeus Brzozowski, wrote one year and a half afterwards, by way of resuming the correspondence (Nov. 17, 1805). There was no room in that first and solitary letter to Gruber for the piece quoted by Dr. Marechal ; it does not appear in the text as preserved by Father Korycki, the General's secretary ; and there is no trace of it in any letter to the successor of Father Gruber, between the date of the two bishops' joint letter, May 25, 1803, and the Bitouzey-Pasquet agitation of 1813–1814. Nevertheless, the Latin style resembles Carroll's.*

Md.-N.Y. Province Archives, Corporation Proceedings, i. 3, 4, 15, 19, 34, 48, 88 ; ii. 4. *Ibid., Chapter meetings, partial and general, 1783, Sept. 23*, f. 1^{v} ; *1783, Nov. 6*, f. 1, *first General Chapter ; 1784, Oct. 11, Form of Government (6 ff.)*, f. 5^{v}. *Ibid., letters : 1813, Sept. 25, Grassi to Cary ; Oct. 16, Carroll*

[13] No. 115, § 5. [14] *Cf.* No. 168, A, 24°. [15] *Supra*, R. *Cf.* No. 178, F.

to (Grassi), 4 pp. 4to, No. 140; *Oct. 25, same to same, 2 pp. 4to,* No. 138; *Nov. 3, same to same, 3 pp. 4to,* No. 139; *Nov. 22, same to same, 4 pp. 4to,* No. 141; *Nov. 30, same to same, 2 pp. 4to,* No. 142; *1814, Jan. 4, Grassi to Beschter, Frederick; Mar. 24, Carroll to Grassi, 2 pp. 4to,* No. 150; *June 11, Carroll, Washington, to Enoch Fenwick, Baltimore, 3 pp. 4to,* No. 157; *June 24, same to Grassi, 3 pp. 4to,* No. 160; *Dec. 27, same to Grassi, 3 pp. 4to,* No. 173; *1815, Feb. 21, same to Grassi, 5 pp. 4to,* No. 174.—*Georgetown College Transcripts, 1813, Oct. 23, Bitouzey to (Francis Neale); a copy by Grassi.—General Archives S.J., the Secretary, Father Korycki's records:* Ephemerides, *Num.* 10mo, *1803, May 25, Carroll and Neale's letter. Ibid.,* Epist. Vic. Gen. in Russia, *1802–8, sub data.—Propaganda Archives,* Atti, 1822, Sommario, Num. I.: *Marechal to Card. Fontana, paragr. 15. Mgr. Marechal's original autograph of this letter, Baltimore Diocesan Archives,* 22 D, *is dated 1820, Aug. 14; ibi,* f. 6 *of his cahier. See infra,* No. 115.

No. 114. **1824–1830.**

The plantations and slaves, 1824–1830. *We need not dwell further upon the decline of value or of security which attended the management and the ownership of other plantations. As at White Marsh, so at Bohemia on the Eastern Shore, the strangers who managed the property did not do it much harm; but, as we have heard from Dr. Carroll himself, who enjoyed the usufruct of Bohemia granted him by the Corporation, Pasquet, his manager, would have been happy to eject the whole Jesuit Society, and allow it no part or parcel where he himself was allowed; and, from 1805 till 1814, there was a long history of Pasquet's demands on Deer Creek and on the Corporation, till the following resolution served to bring about an accommodation (Oct. 19, 1814):*

A. 1814, October 19.

Proceedings of the Corporation, Oct. 19, 1814.

2. All previous means already ordained, for bringing the affairs of the Corporation with Mr. Pasquet to a settlement, having failed, resolved, on the voluntary offer of the Archbishop and the Rev. Mr. Francis Neale, that they shall proceed as soon as possible to Bohemia, and bring all things, if possible, to a final conclusion.

In the management of a round of plantations there was exhibited on a large scale what Louis de Barth described pleasantly as an every-day spectacle at Georgetown, when members dealt with McElroy, the local Jesuit procurator:

B. 1820, September 17.

where every member, whether living there or out, comes to pluck poor Father McElroy and give him scolding to boot.

Rossiter, however, in Philadelphia, Kenny in Delaware, Dubois at Frederick, the German nobleman De Barth everywhere, were distinguished examples of business-like sincerity, and of a Christian regard for the rights of property.

We have two tables, drawn up by Father Dzierozynski, representing the condition of all the property at the time when he was Superior, 1824–1830. In the first, which merely enumerates the pieces, a later hand has corrected or qualified his statements.

C. 1824–1830.

PRAEDIA SOCIETATIS.

In Marylandia.

St. Mary's Co.

St. Inigoes quod continet	3,000 jugerum [*acres*] (b).
Newtown continet	750 (c).
Truth and Trust [16]	700
	4,450

Charles Co.

St. Thomas	1,000
Cedar Point	3,500 [*3,600 ?*].
Newport and Cobneck	780 vendita.

In Prince George's Co.

White Marsh	2,000

In Ann Arundell Co.[17]

1,160 vendita.

Cecil Co., Eastern Shore.

Bohemia	1,150

Talbot Co., Eastern Shore.

St. Joseph's	340

In Pennsylvania.

In Adams Co.

Conewago continet	[700 *erased*] 650

In York Co.

Mountains	200 vendita.
Paradise	240

In Berks Co.

Goshenhoppen	780 (d)

(b) 2130 [*?*] *in one copy.*
(c) 700, *in another hand.*
(d) *Other copy,* 500–1––; *number not finished in another hand.*

[16] *A late acquisition.*
[17] *Part of the Jas. Carroll bequest.*

In Districtu Columbiae.

Collegium Georgiopol.	180

In Frederick Co., [*Md.*].

Collegium Frederickopolit.	100 [18]

The other table of Dzierozynski's reports the annual income from the respective plantations in Maryland or the farms in Pennsylvania:

D.

Rationes Praedii St. Inigoes.

Annus	Reditus
1824	$500.00
1825	150.00
1826	300.00
1827	Nihil
1828	1000.00
1829	500.00
1830	500.00
. . .	. . . .

Rationes Praedii Newtown; Truth and Trust.[19]

Annus	Reditus
1824	500.00
1825	300.00
1826	Nihil
1827	Nihil
1828	Nihil
1829	Nihil
1830	– – – –
. . .	. . . .

Rationes Praedii St. Thomas's.

1825	300.00
1826	300.00
1827	240.00
1828	000.00
1829	000.00
1830–35	– – – –
. . .	. . . .

Rationes Praedii White Marsh.

1824	000.00
1825	000.00
1826	000.00
1827	000.00
1828	420.00
1829	480.00
1830–39	– – – –
. . .	. . . .

[18] *The sum-total of acres, according to what seems to be Dzierozynski's original list* = 16,580.

[19] *Truth and Trust was a gift, willed by an ex-Jesuit, Father Augustine Jenkins (ob. 2 Feb., 1800), to his brethren of the Select Body of Clergy (cf.* No. 163), *but directly to Father Francis Neale. Edmund Courtney Jenkins had willed Truth and Trust,* whereon I now live, being four hundred acres, *also* another tract of land, containing three hundred acres, called St. Thomasses, *first for the use of his wife, then to his brother Augustine Jenkins and his heirs for ever. The will recorded at Leonardtown. Augustine Jenkins willed the same property to Francis Neale. Will recorded at Port Tobacco.* Francis Neale willed it in joint-tenancy to three persons, the only survivor of whom is Thomas F. Mulledy (*Md.-N. Y. Province Archives, (h); a memorandum, beginning:* Ap. 30th, 1796. *Ibid., R., Newtown Memoranda of titles, 4to quire of 10 sheets;* f. 2^{v}: List of Papers concerning Truth and Trust, and St. Thomas, etc., sent to Newtown by J. Millard, Nov. 26, 1831, *reaching back as far as a survey, in 1720, for Wm. Maria Farthing. Cf.* American Catholic Historical Researches, iii. 62: *will of Francis Neale, 8 Nov., 1825, and codicil of 7 May, 1829*). *It was in the neighbourhood called* Terrapin Level, *eight miles from Leonardtown, one and a half from Indian Bridge Mill, three from Clinton Factory, three and a half from shipping wharves on the Patuxent and from the head of St. Mary's River.* (*Georgetown College MSS., Mobberley's Diaries,* VI., p. 1. *E. I. Devitt, Woodstock Letters,* xxxii.

Rationes Praedii Bohemia.	
1824	530.00
1825	760.00
1826	310.00
1827	500.00
1828	000.00
1829	000.00
1830	160.00
. . .	. . . .

Rationes Praedii Goshenhoppen.	
1824	– – – –
1825	$20.00
1826	30.00
1827	100.00
1828	170.00
1829	100.00
1830	200.00
. . .	. . . .

Rationes Cedar Point.

1824	Percipiendum
. . .	. . . . .

Rationes Praedioli St. Joseph's.(e)

Rationes Fredericktown.(f)

Rationes Praedii Conewago.	
1824–28	– – – –
1829	$200.00
1830–33	– – – –
. . . . .	. . . . .

Rationes Florissant [*Mo.*].

„ Collegii Georgiopolitani.

„ Domus Washington.

General Fundum.(f)

In Dzierozynski's farm accounts, there is another element having historical bearings. It seems to promise the extension of Jesuit ministry into the State of Ohio.

E. 1827–1837.

Ohio Co.'s Purchase, in share No. One, lot 206, in 4th section of 13th range, in the 7th township of the said share No. One; it contains six hundred and forty acres of land, as will more fully appear in the deed given by Casper Muir and Eliza, his wife, of the City of New York to me, the said Rev. Francis Neale . . . and which said deed is dated 6th day of October, 1817. *Father Neale appoints Father Dzierozynski, District of Columbia, his attorney at law,* to lease, let, sell or demise the said lot or land.

14th Nov., 1827.

Signed and sealed: Francis Neale.

Witnesses: Tho. Carbery, C. H. Wharton.

Dzierozynski's farm accounts contain a short series of Latin memoranda, 31 Dec., 1827, till 1832, upon the redemption of the whole, the charges of Mr. Nahum [?] *Ward, agent, and the taxes.*

(e) *The income begins only with the year* 1844.
(f) *All blank.*

11, 12.) *Truth and Trust, St. Andrews forest,* about three miles east of the Poor House; it was afterwards sold for a trifling sum. (*Md.-N. Y. Province Archives,* 2; *foolscap sheets of reminiscences, written in pencil, apparently from dictation.*)

Apparently in the hand of W. McSherry, who was Provincial, 5 Feb., 1833, till 10 Oct., 1837, there is an endorsement on Francis Neale's power of attorney to Dzierozynski, with a number of queries, which show how little was known about the property. One remark is : This land lies in a North West direction from Marietta, and about 40 miles distance.

It will go some way towards explaining the state of accounts, if we quote a passage from Father Francis Neale's letter to the Superior, Father Dzierozynski, dated Feb. 28, 1825. He writes by an amanuensis, and tells of his plantation, St. Thomas's, which for the six years given above, and for the six years that follow in the same record, yielded a sum-total of income amounting to $1140, or an average of less than $100 a year.

For the use of acres (1400) allowed to the missionary at St. Thomas's in the maintenance of himself and family, *that is, for house and church expenses and for the family of slaves, domestic and field hands, see Marshall's Statement, as summarized above* (No. 110, F). *In the same Statement, this general procurator of the Mission observes that it had been necessary in 1821* to advance $65 to St. Thomas's to pay the tax of that farm, the [*local*] procurator having no means of paying it, and the Officer threatening to seize property for the payment, as appears from letters of Father Francis Neale.[20]

In his letter, 28 Feb., 1825, Neale laments the condition of his farm. There are sixty persons[21] *in all to feed and clothe.*

F. 1825, February 28.

Francis Neale, 28 Feb., 1825, to Dzierozynski.

A few men hands (say five in all) who are to work our fields and procure the necessary provisions for so many people . . . I could wish [*some hands*] for this farm may be from twelve years old to eighteen, unmaried (at least three hands). . . . Among the number to be fed, clothed, &c., there are more than twenty that are either too young or too old to be of any service, so that this farm, during the last summer and fall, resembled a hospital. *He expects a bill of more than* $200.00 *from the Doctor, in addition to all his other debts.*

[20] *Compare General Archives, Maryl. Epist.*, 2, ii., *Marshall's Statement, 5 Mar., 1821, to the General:* Coshenhohen. . . . I received a letter, some time this winter, from Father Paul Kohlmann who lives there, in which he informed me that the constable [*bailiff?*] had visited him ; and it is a tolerable good sign that the finances of a place are very bad, when these gentlemen make their appearance.

[21] *On the matter of slaves, though Father F. Neale here does not call them by that name, cf.* Nos. 46, 97, 106.

We notice a doctor's bill for attendance on this family *during a year and a half, from May 14, 1821, to Nov. 26, 1822.*

G.

Endorsed: Account Rev. Francis Neale with J. & C. Lancaster.

Itemized series of visits to Neale and family or dependants. A mere visit, and repeated *once or twice, seems to cost* $2.67. *Then medicines, besides* visit in the night to negro girl: $3.00. . . .

Sum-total $137.00

Received payment in full

JOSEPH & C. LANCASTER.[22]

This is but one specimen of the Jesuit literature on slave-holding. Others show the same Francis Neale alienating or buying slaves under compulsion, to prevent the separation of man and wife—an obligation of charity which did not appeal to other masters in the neighbourhood, and which imposed upon a missionary new arrangements without any regard to his convenience or his means.

H. 1826, January 10.

Francis Neale, St. Thomas's, 10 Jan., 1826, to Dzierozynski.

. . . I find it necessary to inform y^r^ Rev^ce^, that this family must loose her best negroe hand for labor—the reason is, his wife belongs to another person, and the master has ordered her and her children to be soled. I cannot buy her; too much is demanded, $500, for her and her three children—they are all girls of which we have 10 or 12 already in our family. I shall be obliged to sell our man, not to separate man and wife. I have spoken to the owner of the wife; he says, he cannot admit [*transfer?*] her into his family at Washington; he has too many, etc. . . .

J. 1826, December.

Francis Neale, St. Thomas's, 10^bre^, 1826, to Dzierozynski.

. . . *Another case of having to buy a neighbour's negro* servant man, *$400, or give another for him, to prevent separation of man and wife—the wife being one of* our servant women. *In addition to the Doctor's medicine bills, he has the taxes of this year to pay; so that, besides* some expences for shingles and carpenter's hire, *Neale says* it will be impossible to pay the interest above mentioned, *that is,* the interest due on Mrs. Thompson Bond against the Corporation . . . unless you agree for me to pay it from whatever money may come in. *Neale recommends the payment of it as soon as possible.* . . .

[22] *Cf.* Nos. 46, 97.—*Cf. also* No. 135, Prop. 9, 1°, *about the "500 African men" alleged (15 Jan., 1826) to be on the Jesuit farms.*

K. 1827, January 9.

Francis Neale, 9 Jan., 1827, to Dzierozynski.

. . . On my return (from Cob-Neck), I found that our family here had met with severe chastisements—a young married woman had died, five men were confined with sickness, and also six women and five children. *Two of the women are now in extremis.* Our quarters are condemned, and must be destroyed by fire in the begining of spring. *Neale will have to resort to the hiring of slaves, to carry on the business of the family.* I have hired three, nor will these supply our loses. . . . I am forced to employ all I can to obtain timber for the building of negroe quarters. . . .

P.S.—There have been three deaths in our family, and two more are expected. Physicians have condemned our negroe habitations.[23]

The considerate manner in which this priest-manager avoids the term "slaves," and speaks only of servant men, servant women, negroes, members of the family, *is an indication of the position which these domestics held under his management. From an economic point of view, the same considerateness may explain in part the unprofitable condition of the priests' farms, manned as they were with what was meant by "priests' slaves."*[24] *Many other proprietors, in dealing with this class of servants, regarded them in a different light; as Father Mosley said, when speaking of indented white servants and their purchasers:* These masters (as they are chiefly accustomed to negroes, a stubborn dull set of mortalls, that do nothing but by driving) are in general cruel, barbarous, & unmercifull, some worse than others.[25]

In keeping with Francis Neale's description of his household affairs, we find that, notwithstanding the 1400 acres at his personal service, his accounts for a half-year stand as follows:—

L. 1827, July 4.

Francis Neale, 4 July, 1827, to Dzierozynski.

In answer to the call for accounts, he reports for the present year, thus far:—

St. Thomas' Manor, July 4th, 1827.

Revenue	Expences	Debts	General Fund
$68.34	249.31	200.00	68.40. Interest to
50.00		118.41	Mrs. Thompson.
		56	
118.34			
		374.41	

[23] *In former letters, he had alluded to the prevalence of typhus.*
[24] *Cf.* No. 46, p. 230.
[25] *Cf.* History, I. § 37, 342.

Md.-N. Y. Province Archives (*on Pasquet*), Corporation Proceedings, ii. 6; *cf. portfolio* 3, *Pasquet's observations on the decision of the arbitrators; also* Cc, *his receipt for* $*140.00 on account, Jan. 31, 1815. Ibid.*, (*g*) *De Barth's Correspondence; Philadelphia, 17 Sept., 1820, to A. Marshall. Ibid.* (*Dzierozynski's lists*): (*h*) *sundry Records, a couple of slips, computing the number of acres; Farm Accounts, 1824 seq., a day-book, giving the income. Ibid.*, Aa, *Francis Neale's power of attorney, 14 Nov., 1827, to Dzierozynski, for Ohio Co.'s Purchase. Ibid., letters, 1825, Feb. 28, Francis Neale, St. Thomas's, to Dzierozynski, 3 pp. 4to, by an amanuensis. Ibid.*, Bb, *Doctor's bill, as above, 2 pp. 4to. Ibid., on the troubles of slave-holding: letters, Francis Neale to Dzierozynski, 10 Jan., 1826; Dec., 1826; 9 Jan., 1827; 4 July, 1827, his accounts for the half-year.*

SECTION III

CHARGES AND CLAIMS AGAINST THE FOREGOING ORGANIZATION

§ 11. Propaganda and other Documents.

The property, acquired and possessed as shown in the preceding Section II., *was made the subject of controversy by the Most Rev. Ambrose Marechal, third Archbishop (1817–1828), and first Ordinary of Baltimore who had never been a Jesuit. He claimed the property for his see.*

We begin with the documents belonging to the first stage of the controversy, ending 23 July, 1822, with the publication by Pope Pius VII. of a Brief, which may now be seen in the Papal Bullarium, and also in the Bullarium of the Propaganda.

This stage extends from No. 115 *to* No. 121.

No. 115. **1820, August 19.**

Mgr. Ambrose Marechal's Memorial to the Propaganda. *Fundamental document in his controversy with the Jesuits:* §§ 3–8, *on jurisdiction;* §§ 9–33, *on property.*

Sacra Congregazione de Propaganda Fide.
Ponente l'E^mo^ e Rev^mo^ Signor Cardinale Fesch.

Ristretto

delle differenze insorte tra l'Arcivescovo di Baltimore ed i PP. Gesuiti di Maryland, e di altri affari concernenti alcune chiese degli Stati Uniti d'America.

[*Maggio*] anno mdcccxxii.

Sommario.

Numero I.
Lettera dell' Arcivescovo di Baltimore alla ch: me: dell'Eminentissimo Fontana, Prefetto, risguardante le due questioni tra esso insorte ed i PP. Gesuiti di Maryland.

Baltimori 1821 [*19 augusti, 1820*].

Eminentissime Cardinalis,

1. Inter plurima consolationum motiva, quae summus misericors Deus mihi indigno suppeditavit, cum Sedem Baltimorensem ascendere coactus fuerim, non sane minimum illud judicavi quod percepi ex consideratione unam domum Societatis Jesu in mea dioecesi existere. Etenim ab infantia mea S. Ignatii illustrem familiam, praesertim ut mire foecundam in optimis producendis missionariis, venerationis ac amoris sensibus prosecutus sum. Hinc a die qua pontificali consecratione unctus fui omnimoda benevolentiae ac patrocinii testimonia ei exhibere non cessavi.

Marechal's love for S.J.

2. Verum paulo post, graves quoad jurisdictionem difficultates, quae olim inter patres ejusdem Societatis ac Ill^{mum} praedecessorem meum DD. Carroll per plures annos extitere, et quas ego veluti omnino consopitas existimabam, de novo suscitatae sunt; atque insuper aliae maximi momenti quoad bona temporalia ecclesiae, ac praesertim ea quae ad sedem Baltimorensem pertinere ab omnibus judicantur. Equidem hucusque illae controversiae nullo modo perturbarunt pacem, qua mea dioecesis fruitur. At cum talis sunt naturae, ut aliquando eam graviter perturbare possint, atque clarum mihi videatur, perpensis quorumdam istorum patrum ingenio ac parum flexibili voluntate, nullam spem affulgere illas amico consensu componi posse, prudentius duxi illas omnes Em^{ae} Tuae simpliciter exponere ut, te promovente, ab ipsomet S. Pontifice, a quo solo immediate se pendere contendit ac gloriatur Societas, omnino ac in perpetuum solvantur.

Troubles with S.J. on jurisdiction and temporalities.

3. Prima difficultas nascitur ex jurisdictione, quam superior sibi vindicat in sacerdotes Societatis, quos vel mei praedecessores instituerunt, vel ipsemet institui pastores congregationum catholicarum, cum praevio consensu superiorum Societatis pro tempore existentium. Videlicet anno circiter 1804 Rev^{dus} Admodum Pater Gabriel Gruber, Generalis Superior Societatis in Russia, epistolam misit ad Ill^{mum} praedecessorem meum DD. Carroll, qua illum certiorem faciebat, S. P. Pium VII. vivae vocis oraculo licentiam concessisse patribus Societatis etiam extra Russiam existentibus, ut sine strepitu aggregarent[*ur*] ac juxta regulas S. Ignatii iterum viverent ac gubernarentur, non obstantibus bullae Clementis XIV. dispositionibus; atque, ut Societas in Marylandia facilius restitueretur, simul ad eundem Ill^{mum} praesulem transmisit instrumentum, quo Amplitudini ejus pro prima vice committebat officium instituendi ex antiquis patribus unum qui Societati in nostris plagis praeesset. Votis P. Gruber lubentissime annuit Ill^{mus} DD. Carroll, atque Patrem Robertum Molineux ex-Jesuitam

I. Jurisdiction. Carroll and the private restoration S.J., 1805.

superioris dignitate vestivit. Porro, constituto semel superiore, plerique patres, qui tunc in Marylandia superstites erant, vota sua denuo emiserunt, quibus se adjunxerunt quidam saeculares sacerdotes ac juniores clerici. Sic feliciter in nostris regionibus restituta fuit illustris Jesu Societas.

4. Quamdiu vixit P. Robertus Molineux pax summa extitit inter ipsum ac Ill^mum DD. Carroll. Erat enim vir humilitate ac mira morum suavitate conspicuus. Verum cum, senectutis infirmitatibus impeditus, non posset amplius superioris officiis fungi, Rev^dus P. Gabriel Gruber Rev^dum P. Carolum Neale ipsius successorem declaravit.[1] Vix iste Societatis gubernaculum suscepit quod jus sibi vindicaverit sacerdotes Societatis, qui in congregationibus pastorum munia adimplebant non solum a loco ad locum removendi, sed insuper eos a sacro ministerio penitus revocandi et collocandi in collegio Societatis Georgiopolitano. Successum [*incassum ?*] Ill^mus DD. Carroll huic superiori repraesentavit duos vel tres Jesuitas cum junioribus clericis abunde sufficere ad felicem praedicti collegii administrationem ; se nullos habere sacerdotes saeculares, qui possint supplere vicibus membrorum Societatis, quae a sacro ministerio revocabat, etc., etc. Praestantissimo praesuli constanter et non sine aliqua styli acerbitate respondit P. Carolus Neale, suos subditos ab ipso pendere et sibi licere, juxta privilegia Societati a S. Pontificibus concessa, eos vel relinquere in congregationibus vel eos ab illis revocare, prout judicaret illud esse necessarium vel utile Societatis prosperitati vel incremento. Ill^mus DD. Carroll, quamvis ipsemet foret ex-Jesuita, hanc superioris agendi rationem, tanquam prorsus irregularem ac praesertim suae dioeceseos administrationem miris impedientem difficultatibus, constanter reprobavit ;[2] atque percipiens se nihil mitioribus

Carroll's difficulties with Charles Neale [1808–1812] ; S.J. not yet being publicly restored.

[1] *Father Gruber died 26 Mar., 1805. Fr. Charles Neale was appointed Superior (not Provincial) by Molyneux at his death, 9 Dec., 1808, and was confirmed by the General, Father Thaddeus Brzozowski, 13 Sept., 1809.*

This document of Marechal to Fontana was intended, as he says at the beginning (§ 2), *to obtain, by an immediate appeal to the Sovereign Pontiff, a grant of the Jesuit property, "which is judged by every one to belong to the see of Baltimore ;" and, in this sense, he prays at the end* (§ 33) *that the Cardinal will conduct his petition "to a happy issue," for which "all Archbishops of Baltimore and the whole Church of Maryland will never cease to venerate and praise" the name of His Eminence. As the claim failed to operate in this compendious way, it came to be printed, and the statements, quotations, and implications in the course of the paper became liable to be confronted with genuine documents. These are given in the subsequent series of Numbers*, 141–224, Sections IV.–VII., *of* Documents, I. Part II. ; *and reference is made to them here in the notes.*

[2] *Cf. General Archives S.J.*, Epistolae Vicariorum Generalium in Russia, 1809–1813. *There was considerable friction between Father Charles Neale, successor of Father Robert Molyneux as Superior of the newly constituted Mission in America, and Archbishop Carroll, on the subject of a Maryland Superior's rights at that time to place or remove members of the Order. The latter so far had been re-established only privately*, in foro interno. *Charles Neale, in a brusque and ungracious manner, wrote and acted as if the Society were in full canonical existence*, in foro externo. *One or two specimens of the embarrassment and displeasure, caused by claims which, in the actual circumstances, Carroll regarded as inadmissible, may be seen infra in letters of Carroll* (No. 179, L, *Carroll, Baltimore, 4 Jan., 1811, to C. Neale ; ibid.*, M, *Carroll*, 25 *May, 1811, to the General*). *On the case being represented by Archbishop Carroll*

utendo mediis proficere, ut huic gravi malo finem tandem imponeret, in conventione episcoporum totius provinciae metropolitanae, quae Baltimori

to the General in Russia, Father Thaddeus Brzozowski, he received in reply a letter of apology, beginning thus (Epist. Vic. Gen. in Russia, 1810–19):

Ill^mo R. D. Carroll Archiepiscopo Baltimorensi, 8 Sept., N.S. [*1811*].

Litteras Ill^mae et Rev^mae Dominationis Tuae 25 Maii anni 1811 datas accepi 8 augusti, et obstupui ad ea, quae legendo eas didici. Itane vero, cum R. P. Molyneux nominaret successorem, nemo cordatus inventus fuit, qui illum viribus mentis deficientem in hac nominatione dirigeret? At frustra doleo omissionem, quae jam commissa est; agitur de reparandis damnis jam illatis et adhuc per gubernationem malam inferendis. *Certain complaints already received, and directions already given; apparently no amendment.* Scribo nunc illi iterum de debito observantiae nostrae et reverentiae erga Episcopos eo majori, quod res nostrae publico decreto S. Sedis nondum sint ibi formatae; prudentiam ipsam, nedum religiosam modestiam et humilitatem exigere a nobis hunc erga illos honorem. *The General must now wait a little while to see the effect of his present admonition on Father Charles Neale; in the mean time he sends his apologies to Archbishop Carroll's suffragans:* Interim te, Ill^mo Praesul, etiam atque etiam oro atque obtestor, ut confratres tuos Episcopos Suffraganeos Societati in illis partibus placatos et propitios reddas, ipse tuorum erga nos promeritorum cumulum augeas, futurus Societatis in illis partibus conservator, qui ejusdem fuisti instaurator. Sic te Deus O. M. diu sospitem ac incolumem Ecclesiae suae, tibi ac nobis servet, id precatur omni pietate tibi deditus et cum suis confratribus nomi[*ni*] tuo devotissimus ac humillimus in Xto servus.

Then follows the letter to Neale, under the same date:

R^o Patri Carolo Neale, 8 7bris, N.S. [*1811*]. *He writes briefly to catch the parting post. Sent a long letter on May 31,* per Ministrum hic vestrum D^m Adams. Scit R^a V^a breve pro canonica vestra existentia in America nondum ob turbata tempora prodiisse; per consequens ab Episcopis loci, non obstante quocunque vivae vocis oraculo Sanctae Sedis, vos ut plurimum pendere. Quapropter, donec mutentur tempora in melius, commendo R^ae V^ae, oro, obsecro atque obtestor, ut Ill^mo Archiepiscopo, Episcopis Suffraganeis omnem honorem exhibeatis. Audio R^m V^m juxta privilegia Societati concessa velle quaedam agere et in foro externo gubernare Societatem, quemadmodum olim gubernabatur vel etiam hic in Russia gubernatur; in foro interno hoc bene procedit; sed, si extenditur ad forum externum et relate ad Episcopos, pessimam causam habebitis. Meminerit R^a V^a, quomodo S. Franciscus Xaverius ipse reverebatur Episcopos, et a suis eos honorari eorumque voluntati obsecundari volebat. Si hoc tunc, quid nunc? *Repeats briefly former directions; and inculcates again respect towards the bishops.*

The General did not wait for an answer, or for the effects of his admonition. Father John Anthony Grassi was already in Maryland, sent thither from England. He was appointed Rector of Georgetown and Superior of the Mission in America by patents despatched in the very next month, on 4 Oct. 1811, with a letter enclosed to Father Neale, notifying him of the substitution. The letter of instruction to Grassi is long, and contains a formal commission of the apology to be made in the General's name and his own to Archbishop Carroll and other bishops, with a gentle explanation on behalf of Father Neale: Incipiat R^a V^a officium ab humilitate, scribat Ill^mo et Rev^mo Archiepiscopo Carroll et Episcopis respectivis, petat benedictionem ab eis et patrocinium, et polliceatur erga eos reverentiam et obsequium. *Etc.*

However, it is to be noted that a "synodal statute" had already been communicated to Charles Neale (by Carroll?), the same probably which Marechal quotes in the next paragraph, § 5, *but which, in all likelihood, was not conveyed to the General. Father Anthony Kohlmann, in a letter from New York, Jan. 4, 1811, to Father Grassi, while criticizing severely the administration of the Neales, alludes to a letter received three weeks before from the Superior (Charles Neale), in which the latter had stated that he "had made a formal protest against a synodal statute of the bishops convened in Baltimore."*

Anthony Kohlmann, New York, 4 Jan. 1811, to Grassi. Endorsed by Grassi: P. Kohl. 4 Jan. 1811; *4 pp. 4to, closely written:*

3. *The Neales have lost caste with the clergy and respectable families*: e non è maraviglia, perchè in tutte le occasioni parlano apertamente contra l'Archiv^o; è un fatto notissimo, che da che [*io?*] sono in questo paese [*eglino*] sono sempre stati contrarii a lui. Quanto tempo non ha durato quel conflitto tra lui [*l'Arcivescovo*] et n[*ostro*] Sup^re, per avere il P. [*E.*] Fenwick come parocho di Baltimore? Tre

locum habuit anno 1810,[3] inter caeteras disciplinae regulas subsequentem condidit:

5. "Art. II. De Sacerdotibus, qui pertinent ad saeculares aut regulares Congregationes.

"Quando sacerdotibus pertinentibus ad saeculares aut regulares congregationes e superiorum consensu cura animarum demandata est, judicamus eos non debere ex superiorum suorum arbitrio pendere ab eisque revocari invito episcopo. Attamen ultro profitemur in magno honore et aestimatione apud nos esse illas congregationes dioecesibus nostris tantopere utiles, omnimodamque fiduciam [*nos*] in earum superioribus reponere. Laeti videbimus dioecesanos nostros, qui religiosam vitam ducere volunt, illarum congregationum instituta amplecti. Neque nostra mens est exigere ut sacro ministerio mancipentur illi quibus revera indigent praefatae congregationes, neque etiam impedire quin revocentur sacerdotes in missionibus laborantes, modo haec revocatio dioecesano episcopo omnino necessaria ad existentiam aut prosperitatem praedictarum congregationum esse videatur.

A resolution ascribed to the Bishops, 1810.

"Joannes, Arch. Balt.
Leonardus, Episc. Gortyn. et Coadj. Balt.
Michael Egan, Episc. Philad.[4]
Joannes, Episc. Boston.
Benedictus, Episc. Bardensis."

Ex quo haec regula disciplinae publicata fuit, nulla alicujus momenti, quantum noverim, controversia quoad jurisdictionem extitit inter Ill^mum DD. Carroll et superiores Societatis.[5]

6.[6] Verum anno mox praeterito ex Anglia huc advenit P. Kenny,

septimane fa, abbiam ricevuta una lettera dal n. Sup^re, nella quale ci dice, che ha fatta una protesta formale contro un Statuto Synodale dei Vescovi radunati in Baltimore, dei Vescovi dico, dei quali totalmente dependiamo per la nostra existenza, e chi già avevano tante ragioni d'essere dissodisfatto del procedere del n. Sup^re. Che dire a questo, caro mio? 4 . . .

On the other hand, Kohlmann does not imply in the letter to Grassi, just cited, that C. Neale had sent a copy of the "synodal article" in question. Besides, in a document following here, supposed to be from the pen of Grassi, the statement is made absolutely that neither of the preceding archbishops, Carroll and Neale, had ever published the said article: essi non mai lo pubblicarono. *See* No. 118, § 15.

Cf. No. 116, note 32, (4), *Neale's letter, 28 Nov., 1810, to Carroll. He says nothing there about "privileges granted to the Society."*

[3] *On this meeting (not a Synod) of the bishops, and this "synodal statute," see infra,* No. 192.

[4] *Cf.* No. 192, *letter, 14 Oct., 1811, of Bishop Egan, whose views in particular this unpublished regulation seems to express.*

[5] *Cf.* No. 121, K, *decree of the Propaganda, June-July, 1822, obtained by Mgr. Marechal concerning Jesuits in the diocese of Baltimore.*

[6] *After the foregoing antecedents the canonical and public restoration of the Society had taken place, Aug. 7, 1814. Marechal makes no mention here of that circumstance, which altered fundamentally the relevancy of the "synodal article," and of his observations in the next three paragraphs,* §§ 6–8.

missus a Rev^do^ P. Brzozowsky, vestitus officio et authoritate Visitatoris. Per aliquot menses vix in nostra dioecesi remanserat, quod ad exemplum Rev^di^ P. Neale coeperit revocare in collegium Georgiopolitanum plurimos patres Societatis, qui pastorum officio in missionibus fungebantur, sub praetextu quod ipsi forent necessarii ad hujus institutionis prosperitatem promovendam. Frustra hunc Rev^dum^ Visitatorem deprecatus sum, ut animadverteret summam sacerdotum penuriam qua laboramus, atque periculum salutis cui objiciebantur fideles pastoribus destituti. Atque, cum sub ipsius oculis exposuissem supradictam disciplinae regulam, ad me mittere ausus est longam nimis et certissime parum modestam epistolam, in qua contendit eam esse tum in forma sua, tum in materia reprehensibilem, jurium et privilegiorum, quibus gaudet Societas, prorsus eversivam.[7]

The Visitor, Fr. Kenney, on the above resolution, 1819, 1820 (the Society being now fully re-established).

7. Attamen, Ill^me^ Cardinalis, mihi videtur hanc regulam revera non esse diversam ab ea, quam anno 1753 Benedictus XIV. tradidit ad componendas controversias, quae diu exarsere inter Vicarios Apostolicos Angliae et superiores Regularium. Decernit enim immortalis hic Pontifex: 1° ut Superiores Regularium, cum meditentur suos subditos e missionibus revocare, prius amice conveniant ea de re cum Vicariis Apostolicis;[8] 2° ut uno et eodem tempore successores expediant, ne defectu pastorum animae damnum patiantur.[9] Quam ultimam conditionem si superiores Societatis in nostra dioecesi adimplere studuissent, nulla unquam exorta fuisset inter eos controversia et Archiepiscopos Baltimorenses.

The resolution of 1810, and the rule of Benedict XIV., 1753.

Igitur, E^me^ Cardinalis, oro te supplex ut supradictam disciplinae regulam examini subjicere digneris, non Sacrae Congregationis P. F., cui praesides (ipsius enim jurisdictionem non agnoscunt patres Societatis), sed virorum doctorum ad hoc a S. Pontifice specialiter deputatorum.

The Jesuits ignore the Propaganda.

8. Caeterum, quantum ad me attinet, sive S. Sedes approbet vel condemnet regulam a meis ven. praedecessoribus et aliis nostrae Americae episcopis conditam, ipsius sententiae sine ulla tergiversatione [*me*] submittam. Attamen Eminentiae Tuae hic non possum non observare quod, si superiores pro libitu suo sacerdotes Societatis, qui in missionibus quasi pastores congregationibus fidelium praesunt, a loco ad locum movere, aut etiam penitus a sacro ministerio removere permittantur, meae dioeceseos administratio, attenta nempe penuria operariorum qua laboramus, continuis impedietur difficultatibus, animaeque gravissimum identidem patientur detrimentum.[10]

The resolution of 1810 essential to the Baltimore diocese.

[7] No. 193. *Kenney makes no mention of privileges peculiar to the Society.*
[8] *Cf. text*, No. 192.
[9] *Cf.* Nos. 121, J–L; 135, G–N; 192, 193.
[10] *For the immediate progress and result of this claim to obtain a fuller jurisdiction over Jesuits in their parishes, see infra*, No. 121, G–K.

9. Secunda, et quidem maximi momenti, difficultas respicit temporalia Sedis Baltimorensis; atque, ut ejus claram distinctamque notionem sibi efformare possit Eminentia Tua, necessarium omnino est ab exordio rerum narrationem incipere.

II. [A.] Temporalities in general. History of 150 years past.

Quando Jesuitae (150 circiter abhinc annis) in hanc nostram Marylandiae provinciam advenerunt, juxta leges a nobilissimo principe Baltimore latas, maximam quantitatem terrarum, quae tum temporis vili pretio habebantur, dono[11] accepere, pro ratione videlicet hominum, quos ex Europa secum adduxere. Has omnes terras duo vel tres ad summum Societatis religiosi possederunt, non tanquam Jesuitae (id enim prohibebant iniquae Angliae leges), sed quasi fuissent laici cives; easque sedulo transmittere curarunt aliis membris Societatis a superiore designatis, aliquando per fictitium venditionis contractum, aliquando per testamentum.

10. Praeter has amplissimas terras, alia et quidem pinguissima praedia in decursu temporum acceperunt a piis donatoribus; in perpetuum usum Ecclesiae Americanae ipsorum bonae fidei commissa sunt.[12] Hae donationes patribus Societatis absolute et simpliciter tradebantur; illudque erat omnino necessarium. Si enim in contractu donationis explicite declaratum fuisset haec praedia tradi religiosis viris propter sacros fines, tribunalia civilia declarassent has donationes esse nullas et invalidas.

The Jesuits of old received trusts for the American Church of the future.

11. Hoc sapienti modo agendi, patres Societatis, qui per centum et amplius annos soli fuere sacerdotes in Marylandia exercentes missionariorum functiones, titulum legalem et absolutum tum in bona Societatis proprie dicta, tum in ea omnia quae Ecclesiae Marylandiensi a piis viris donata sunt [, *adquisivere*]. Neque abolitio Societatis a Clemente XIV. operata, neque vel etiam Americana revolutio his temporalibus bonis eos spoliavit aut spoliare potuit. Haec enim bona possidebant eodem prorsus titulo quo quilibet civis Americanus suam domum, campos, etc., possidet.

Undisturbed enjoyment of the trusts as well as of their own property.

12. Jamvero, postquam Americanae provinciae, excusso Angliae jugo, in independentem rempublicam se constituerint, patres Societatis convocavit Ill^{mus} DD. Carroll, blandoque sermone illis tanquam fratribus et olim sociis repraesentavit, nullam fere sibi spem remanere ut Societas de novo restitueretur—patres superstites numero paucos esse et aetate provectos—se amplissima bona Dei servitio consecrata possidere, ac proinde gravem ipsis omnibus incumbere obligationem cavendi, ne ea ad laicos descenderent, sicque frustrarentur religiosos fines, quos pii donatores intendebant. Quod malum ut averterent, addidit nullum prudentius medium ab ipsis adhiberi posse quam ut haec omnia

John Carroll's speech to the Jesuits about consigning their property and the trusts in a "common mass" to the American Church.

[11] *Cf.* Nos. 30–36. *The next clause here implies a contract.—Cf.* History, I. § 21.

[12] *Cf.* Nos. 36, 49, *and passim, supra;* No. 49, note 17. *Cf.* Nos. 58, B; 59, A: *Carroll on the Jesuits and trusts;* No. 60: *Marechal's statements about the property.*

bona in unam communem massam conjicerent, atque conarentur a supremo Marylandiae senatu decretum obtinere, quo haec bona protegerentur et usui et sustentationi sacerdotum catholicorum Marylandiae in perpetuum consecrarentur. Huic propositioni DD. Carroll [13] quidam ex fratribus suis patrocinati sunt, quidam autem contradixere ; neque (per longum tempus) [(a)] majoritatem eorum adducere potuit ut in suam sententiam descenderent. Attamen post diutinas difficilesque negotiationes, ipsius tandem praevaluit consilium. Igitur obtulit Senatui Marylandiae supplicem libellum, et ab eo obtinuit solemne decretum quod tantopere desiderabat.[14] Hi autem sunt titulus praecipuaeque dispositiones hujus celebris decreti.[15]

Carroll's bill to the Assembly of Maryland.

13. " Actus quo proteguntur quidam fundi et proprietates ad usum et sustentationem ministeriorum [*ministrorum*] Ecclesiae Romanae Catholicae.

I. " Omnes qui privato nomine bona possident, ad sacros vel pios usus consecrata, in unam massam ea conjicient, et redditus ex eis provenientes in perpetuum applicabuntur usui ac sustentationi sacerdotum catholicorum qui in Marylandia sacrum legitime exercent ministerium.[16]

Name and substance of the Act. A " common mass " [1792].

II. " Sacerdotes Romani catholici, intra spatium unius anni a die quo promulgatum fuerit praesens decretum, in eodem loco convenient et ibi eligent non plus quam quinque, non minus quam tres sacerdotes ; qui semel electi, eorumque successores pariter legitime electi, coram Marylandiae magistratibus in perpetuum habebuntur veri possessores et administratores omnium bonorum ecclesiasticorum ad ecclesiam catholicam in Marylandia pertinentium.[17] Item in hoc eodem primo conventu conficient omnes regulas quae ab ipsis sapientiores judicabuntur ad meliorem horum bonorum administrationem." [18]

The by-laws to be made by " the Roman Catholic priests " [of Maryland].

14. Consequenter ad ultimam hujus decreti dispositionem simul convenerunt plerique Marylandiae sacerdotes. Verum, cum omnes fere essent ex-Jesuitae, et omnis quaestio majoritate votorum terminaretur, 1º quinque patres Societatis [19] electi sunt, qui ex hac die legales possessores omnium bonorum ecclesiasticorum habiti sunt et habentur. 2º Decreverunt quod nullus sacerdos, etsi in Marylandia exercens ministerium, reputaturus [*reputandus*] foret membrum Cleri Marylandiensis et jus haberet ad portionem bonorum ecclesiasticorum, nisi majoritate votorum Clero Marylandiensi

The by-laws actually made by " the Fathers of the Society " [1793].

(a) " *These three words are interlined. Handwriting of Abp. M. :*"—*Shea's note on his own copy.*

[13] *For Carroll's proposals, plan of organization, and manner of presentation, see infra*, Nos. 143, 144. *We know of nothing that corresponds to the* propositio DD. Carroll, *as stated in this paragraph. Cf.* No. 151, D, *the plan of incorporation in 1786.*

[14] *Cf.* Nos. 159, 163, 164.

[15] *Cf.* Nos. 164, 169.

[16] *The substance of this paragraph is not in the Act.*

[17] *There is nothing in the Act about the Catholic Church " in Maryland."*

[18] No. 164.

[19] *The Society was extinct at this time. All present were ex-Jesuits.*

adjungeretur.[20] 3º Propositum fuit ut omnis sacerdos electus juramento sese obligaret omnia bona ecclesiastica restituere Societati, si forte aliquando in Marylandia restitueretur.[21] Verum Ill^mus DD. Carroll, ipsique adhaerentes, huic propositioni fortiter obstiterunt tanquam extraneae decreto senatus prorsusque oppositae intentioni eorum qui illud obtinuerunt. Hinc, scribens ad P. Gruber superiorem Societatis, ita loquebatur clarissimus Praesul.

Paragraph of a letter ascribed to Carroll, addressed to the General, Father Gruber. The ex-Jesuits scarcely hoped for a restoration [1787-1793].

15. "Rev. Admodum Pater. Perspicuum est ex Paternitatis Tuae litteris, quarum pars nobis submissa est, quaedam per errorem ipsi relata fuisse; nempe antiquos patres Societatis superstites non aliter erigendae corporationi consensisse nisi hac expressa conditione ut restitutae suo tempore Societati etiam bona restituerentur; quod officiales ipsi corporationis semper jurejurando promittebant. De tali juramento (quando nempe quaestio fuit obtinendi decretum a senatu Marylandiae) nunquam apud nos aliquid auditum est. Vix erat spes renovandae Societatis,[22] cum ex antiquis sociis aliqui consilia simul conferre coeperunt de certo aliquo modo conservandi causa religionis bona quae apud nos sociis nutriendis prius inservierant."[23]

"The Fathers of the Society" in 1793, and the secular priests.

16. Quamvis supra enumeratae regulae evidenter repugnant tum litterae tum spiritui decreti senatus Marylandiae, attamen his semel admissis evidens est omnium bonorum ecclesiasticorum possessionem et administrationem retinuisse patres Societatis. Ne autem clamores in eos excitarentur, paucos sacerdotes saeculares elegerunt declararuntque membra Cleri Marylandiensis; sedulo tamen caventes ne horum numerus numerum Jesuitarum excederet; imo ab anno 1804, quo hic restituta fuit Societas, neminem elegerunt qui non foret ejus membrum.[24] Hanc agendi rationem

[20] Nos. 168, A, 4º, 20º *The enactments in these fundamental statutes of the Select Body of the Clergy, organizing under the act of incorporation, were different from what is stated here. The Trustees elected members; and any one recommended by the Ordinary might be admitted. Cf.* Nos. 113, F; 177, A, 13º.

[21] No. 168, A, 24º

[22] *Cf.* Nos. 147, F, G; 168, A, 16º; 172; 177, A, 13º

[23] *Cf.* Nos. 113, R, S; 178, E²-M². *It seems to be a production of the Bitouzey-Pasquet party, in 1813. The statement that "there was scarcely any hope of the Society being restored," at the time when the ex-Jesuits planned incorporation, is contradicted infra,* § 20; *where Marechal says that Carroll's "ancient brethren and colleagues" opposed incorporation, "because they nourished in their hearts the hope of the Society's restoration, and therefore did not wish to lose possession of the property in their hands." Cf.* No. 116, C, [1º], *where Marechal returns to the statement here:* nulla affulgebat spes ipsius restaurationis, "*there was no hope of its restoration.*" *In the appeal made to the other ex-Jesuits by Digges, Ashton, Sewall, Boarman, and Carroll (Feb. 1787), to further the project of a bishopric, their argument, relating to Jesuit property, was to the effect that no prejudice could be done to the rights of the Society at its restoration, if a bishop chosen by themselves were supported by themselves. See* No. 153, B, [*XIII.*], [*XIV.*].

[24] *Cf.* Nos. 145-147; 163; 168, A, 20º; 172. *Cf.* No. 179, S, 7º, *17 May, 1813, when the secular priest, W. Vergnes, was elected a member of the Select Body, along with the two*

dolens observabat Ill^mus DD. Carroll, praevidensque sacerdotes saeculares suae dioeceseos ante paucos annos omni participatione bonorum ecclesiasticorum fore privandos, suadere conatus est fratribus suis, ut medietatem horum bonorum retinerent, alteram autem partem sustentationi saecularium applicandam cederent.[25] Verum haec propositio Ill^mi Praesulis constanter rejecta fuit. Omnia possident et retinere intendunt.

The Society beginning to exist again in 1804.

Hucusque de bonis ecclesiasticis generaliter sumptis. Nunc dicendum de eis quae ad mensam archiepiscopi Baltimorensis pertinent.

II. [B.] Temporalities in particular.

17. Statim atque Americanae provinciae in rempublicam constitutae fuerunt, promovente praesertim praestanti philosopho Franklino tum apud Regem Christianissimum oratore, postulatum fuit a Sancta Sede ut in novo nostrae Americae imperio instituere dignaretur vel titularem episcopum vel saltem vicarium apostolicum ab episcopo Londinensi independentem. Huic petitioni benigne annuit Pius VI. Antequam tamen bullas requisitas emitteret, direxit Ill^mum ac Em^mum Cardinalem Antonelli ut a D. Carroll tunc missionum Americanarum superiore per epistolam exquireret certa documenta de statu religionis catholicae in nostris regionibus, praesertimque utrum forent bona ecclesiastica ex quibus mensa episcopi provideri posset. Omnibus quaestionibus sibi propositis luculenter DD. Carroll respondit. Quantum vero ad bona ecclesiae caute admodum scripsit, generalibus tantum verbis asserens ea privato nomine a simplicibus sacerdotibus possideri.[26] Dubius videlicet erat utrum patres Societatis consentire vellent adire senatum Marylandiae et praefatum decretum sollicitare. Hinc Eminentiam Suam rogavit ut erectio sedis Baltimorensis differretur donec mensae Episcopi provisum fuisset.[27] Precibus D. Carroll assensum praebuit Card. Antonelli, uti constat ex epistola, quam ad eum scripsit die 22 julii 1785, in qua haec verba leguntur:

The Bishop of Baltimore's new see and an income.

18. "Interim vero Dominatio Tua superioris munus exercere perget. Nam, cum ipse declaraveris non prius oportere vicarium apostolicum constituere quam de idoneis sanctuarii ministris et de decenti episcopi sustentatione provideatur, et aliunde significatum fuerit id esse opportunum ut negotium istud paulo adhuc protrahatur, nos vicarii apostolici designationem congruo tempori reservabimus; de quo etiam abs te certiores fieri expectamus."

Creation of see postponed.

19. Conatus, quibus usus est D. Carroll ut ad optatum finem perveniret, in subsequenti epistola data 27 martii 1786 Eminentiae Suae exponit.

Jesuits, Malou and Redmond. This was eight years after the restoration of the Society in America.

[25] *We find no trace of such a proposal. It is contradictory to the purport and express statements of Carroll's documents, passim.* See No. 178, *Carroll on Jesuit property titles.*

[26] No. 149, E; *1 Mar., 1785:* . . . Nulla hic proprie sunt bona ecclesiastica. . . .

[27] No. 149, H.

"[28] Ubi primum, inquit, abrogatis Angliae legibus, religionis nostrae libertas constituta est, omni conatu legem obtinere studuimus, qua sacerdotibus catholicis in unum corpus coalescere liceret ac communi nomine bona possidere. Hac ratione sperabamus[29] fore ut bona ex privatorum manibus transirent in perpetuum jus et usum operariorum in hac vinea Domini, ideoque sacris usibus manciparentur. Cupiebamus quoque obvenire periculo, quod semper adest, dum in privati hominis potestate est illa bona ad propinquos aut alium quemvis instrumento legali transmittere vel testamento. Hucusque nihil profecimus, quod magna hic vigeant praejudicia de adeptione bonorum hominibus ecclesiasticis, seu ut vocant Manus Mortuae. Si posthac Divino beneficio conatus nostros melior successus coronaverit, certior fiet Congregatio." [30]

Carroll on the ex-Jesuit incorporation, 1786.

20. Quam epistolam recipiens Card. Antonelli D. Carroll adhortatus est ne animo deficeret. Ita autem scribebat Eminentia Sua die 8 augusti 1787.

Antonelli and Carroll, 1787.

"Pergratum imprimis accidit quod pro conservandis ecclesiae bonis, quibus sacerdotes catholici aluntur, legem obtinere studueris, qua ipsis sacerdotibus in unum coalescere liceret ac communi nomine bona possidere, neque dubito quin eadem bona nova sapientis istius reipublicae sanctione e privatorum manibus transire possint in perpetuum jus et usum operariorum in ista Domini vinea laborantium, adeoque sacris usibus stabiliter mancipentur; quod e Dominatione Tua omni ope conatum iri confidimus."

Certum est, Em[me] Cardinalis, quod maxima difficultas, quam superandam

[28] *The head of this sentence and its essential connection with religious politics, not with Jesuits, has been left out here. See whole passage, infra*, No. 149, K; *13 Mar., 1786.*

For the politico-religious movement of the time, which was chiefly directed against the Anglican Established Church, compare the Maryland Declaration of Rights of 1776. This instrument forbade any gift, sale, or devise of property to ecclesiastical uses, unless by consent of the Legislature, with an exception, however, to the effect that a church might take and hold two acres of land for the erection of a house of worship, or for a place of interment. (*Cf. J. T. Scharf*, History of Maryland, ii. 284, 551; *J. G. Shea*, History of the Catholic Church in the United States, ii. 159.) *The anti-ecclesiastical sentiment of the State and Federal Legislatures is referred to in various letters (1785–1788) by Dr. Carroll, Prefect-Apostolic.* (*Cf. Shea, ibid.*, 246, 249, 252, 331.) *The prohibitive legislation in Maryland is expressly cited in the preamble of the Act chartering the ex-Jesuit Corporation* (*23 Dec. 1792*): Whereas . . . by the Declaration of Rights, all gifts, sales or devises, for the support, use or benefit, of any minister or preacher of the Gospel as such, or of any religious sect or denomination, without the leave of the Legislature, are declared to be void. *See* No. 164. *This anti-ecclesiastical policy which, in 1786, was being urged farther, even to the confiscation of Catholic Church property, and apparently of the Jesuit estates, forms the subject of Carroll's remarks to the Cardinal, in the first part of the passage, here left out by Marechal. Carroll proceeds:* Hujus rei evitandae causa, ubi primum, *etc.*, *as in Marechal's truncated citation here.*

[29] *That is, according to Carroll, notwithstanding the religious political danger mentioned by him at the beginning of the passage:* Aliud moliuntur . . . scilicet fisco addicere bona quibus sacerdotes catholici sustentantur. *As the "Catholic priests" in Maryland, during 150 years, until this date, had been almost exclusively Jesuits, and there were no* bona, *or landed property to confiscate except the Jesuit estates, Carroll must be referring to this property.*

[30] *For the entire text of Carroll, see* No. 149, K.

habebat D. Carroll, non ipsi objiciebatur ab Americano regimine,[31] sed ab antiquis suis fratribus et sociis, qui intra semetipsos spem nutriebant restaurationis Societatis et ideo bona, quibus potiebantur, nolebant dimittere. Verum vir clarissimus, adhibitis omnis generis argumentis et suasionibus, unum post alterum ad suam sententiam adduxit. Hinc die 19 aprilis 1788 haec scribebat ad Card. Antonelli:

The ex-Jesuits hoped for a restoration of the Society [1787-1793].

"Maxime jam confido legem brevi obtinendam esse, qua sacerdotibus catholicis in unum corpus coalescere permittetur, ac communi nomine bona possidere ex quibus aluntur, et etiam, cum quadam tamen restrictione alia acquirere." [32]

21. Nec spem ejus fefellit eventus. Anno nempe 1792 ex comitiis legislativis Marylandiae decretum, quod tantopere exoptaverat, tandem obtinuit. Jam vero tum temporis D. Carroll, authoritate Pii VI, consecratus fuerat primus Baltimorensis episcopus. Statim atque praefatum decretum prodiit, a quinque Jesuitis, qui nomine Cleri Marylandiensis omnia bona ecclesiastica possidebant, petiit ut redditus ipsi assignarentur ad decentem suae mensae sustentationem sufficientes.[33] Non ausi fuerunt petitionem Ill^mi praesulis rejicere. Positive enim, juxta decretum supradictum, omnia bona ab ipsis possessa sustentationi sacerdotum Marylandiensium applicari debent,[34] ac a fortiori et eminenter ad sustentationem episcopi. Igitur statuerunt quod summa circiter 1000 Mexicanorum nummorum singulis annis episcopo Baltimorensi solveretur. Deinde autem, ad devitandas difficultates, quae in solutione hujus summae occurrerunt, decreverunt ipsum fore percepturum, vice illius annualis pensionis, omnes fructus praedii quod Bohemia vulgo nominatur.[35]

Carroll's diplomacy and success, 1792.

He secured a pension from the ex-Jesuit common mass dedicated to the "Maryland clergy."

22. Attamen Ill^mus DD. Carroll non levem patiebatur mentis molestiam quod legalem titulum in illud praedium illi quinque officiales non traderent. Timebat nempe ne redditus ex eo provenientes suis successoribus denegare[*n*]tur; praesertim si forte aliquando restitueretur Societas. Quod periculum ut averteret, conventionem fecit cum P. Molineux, quem authoritate P. Gruber instituerat primum restitutae in nostris regionibus Societatis superiorem, in qua positive suscipit obligationem transmittendi DD. Carroll suisque successoribus titulum

Carroll's provision for his successors from the same common mass; before the Society should be restored.

[31] *This is what Carroll himself affirms in the context, omitted here in the preceding* § 19. *See supra*, note 28.

[32] *Cf.* No. 149, M, *with the rest of the sentence. The incorporation of the trust seems never to have met with any opposition from ex-Jesuits. See* Nos. 151, D; 159.

[33] *We find no trace of this "petition." In fact, it was not necessary. The Superior of the Mission was already provided for; and, when Carroll then Superior became a bishop, his allowance was enlarged. See* Nos. 116, C, note 8; 117, B, note 3.

[34] *This is not found in the Act*, No. 164.

[35] *Cf.* Nos. 147, D, E; 148, A, 14º; 150, B, [v.]; 168, A, 22º; 173, G; 176, J; 178, Q; 180, D, 2º; E, [1º]. *See infra*, Nos. 115, note 46; 116, C, note 8; 117, B, note 3.

legalem ad redditus qui ipsi assignati fuerint. Haec conventio his verbis concipitur:

"A. M. D. G.

23. "Subsequentes praesentis conventionis articuli admissi sunt et suscepti die 20 septembris 1805 in domo Societatis dicta S. Thomae, a RR. DD. Episcopo Baltimorensi ex una parte, et a R. P. Superiore Societatis Jesu in foederatis Americae provinciis ex altera parte, fuitque intellectum ac statutum a praefatis subscriptoribus illos eosdem articulos habendos fore tanquam totidem regulas, quibus in futurum gubernabuntur non subscriptores praefati tantum, sed et respective ipsorum successores.

Agreement between Carroll and the Society restored.

"Art. 1 – – – 2 – – –

"Art. 3. Redditus qui Episcopo Baltimorensi nunc conceduntur ex bonis Societatis seu Corporationis (Cleri nempe Marylandiensis [36]) perpetui erunt, neque poterunt alienari, et ad hunc effectum consequendum authenticum scriptum instrumentum conficietur.

"Art. 4 etc.

"Joannes, Episc. Balt.

"Robertus Molineux, Sup.[37] S.J." [38]

24. Hac semel inita conventione,[39] DD. Carroll existimans se sufficienter

[36] *Cf.* No. 121, B, 4, *Rozaven's critique on the Marechal documents in the* Sommario, *1822. These three words* (Cleri nempe Marylandiensis) *are not in the text of the Agreement or attempted contract which is translated here into Latin, as if verbatim. The text of the aforesaid attempted contract has a clause deleted:* Clergy and now of the Society, *with the substitution:* Society or Corporation. *This latter clause from the original is left here, and the gloss added:* (Cleri nempe Marylandiensis); *which, being inserted by Marechal in his own sense of a Maryland clergy in general, not the Society alone, creates a non-sensus, the gloss contradicting the original and the original contradicting the gloss. Two years after this, in presenting to the Cardinals of the Propaganda the whole text of the attempted Agreement, but translated into Italian, the non-sensus was eliminated by omitting the gloss, and substituting an entirely new clause, which is not in the Agreement at all. For* ex bonis Societatis seu Corporationis *the Italian version has:* dai Padri della Società o Corporazione, "*by the Fathers of the Society or Corporation,*" *implying a personal obligation in the Fathers as such to the see of Baltimore, without any reference to the estates as such, on which, it was contended, the obligation rested. Cf.* No. 121, B, 4; *for the Italian version,* No. 186.

Rozaven also observes that, in skipping Art. 1 *here, the writer has omitted an essential statement of Carroll's, contradictory to Marechal's contention. In the first lines of the first Article the words occur:* an estate belonging to the Society, or to the Corporation in trust for the Society. *These words do appear in the Italian translation offered to the Cardinals:* podere appartenente alla Società o Corporazione in fide commissa per la Società. *Cf.* No. 186.

It is to be noticed further, that this § 23 *emphasizes a contradiction which appears in* § 22. *Carroll, says Marechal, was afraid that, "if perchance the Society were ever re-established," he might not be able to provide for his successors from the Jesuit estates. He "avoided this danger" by making an agreement with Molyneux, whom "he had installed as Superior of the Society re-established in these parts"* (§ 22). *The first paragraph of the Agreement* (§ 23) *purports to be between Carroll and "the Superior of the Society of Jesus," not between Carroll and ex-Jesuits.*

[37] *This word* Sup. *is not in the text of the Agreement.*

[38] *Cf.* Nos. 186, 187.

[39] *The Agreement did not proceed beyond the corrected, interlined memorandum of a draft. See* Nos. 186, *and facsimile, ibi;* 187, *J. G. Shea on the document.*

providisse suorum successorum decenti sustentationi, nullam amplius cum Jesuitis suis olim sociis quoad temporalia habuit controversiam.[40] Usque ad mortem suam redditus ipsi assignatos constanter percepit. Eosdem sine ulla difficultate obtinuit ipsius immediatus successor Ill^mus DD. Leonardus Neale, quamdiu usu hujus mortalis vitae fruitus est.[41]

Carroll's first successor, the ex-Jesuit Neale, and the pension.

25. Verum (quod certe Eminentiae Tuae mirabile videbitur) vix tres menses elapsi fuerant a die qua sedem Baltimorensem conscenderam, cum rumor in publicum prodiit patres Societatis intendere me privare redditibus, quibus mei praedecessores gavisi fuerant. Hunc rumorem tanquam omnino vanum per aliquod tempus contempsi. At vero eo in dies crescente, ad omne dubium propellendum, ea de re scripsi epistolam ad patres Societatis, qui legales sunt possessores bonorum Cleri Marylandiensis. Illi autem mihi responderunt quod per tres annos tantum mihi concessuri forent 560 nummos Mexicanos; quia, inquiunt, finita semel metropolitana ecclesia, potero ab ejus temporalibus administratoribus exigere ut ex annuali pretio, quod percipitur ex locatione sedilium, mihi summam ad meam sustentationem solvant sufficientem.[42]

The pension refused to next successor, Marechal, 1817, 1818.

26. Frustra eis objeci solemne senatus Marylandiensis decretum. Frustra ad eos transmisi exemplar authenticum contractus initi inter Ill^mum DD. Carroll et P. Robertum Molineux, Superiorem Societatis. Frustra eis probavi absolutam impossibilitatem in qua versabantur administratores metropolitanae ecclesiae mihi concedendi ullos redditus. His et similibus argumentis quamvis planissimis justitiae principiis innitantur, constanter responderunt quod, restituta nunc Societate per bullam Pii VII, ipsis incumbit obligatio restituendi eidem Societati omnia bona quae olim possidebat quovis titulo; neque sibi licere partem aliquam illorum bonorum divertere ad usum Societatis extraneum.(b) Contractum initum inter Ill^mum DD. Carroll et P. Robertum Molineux esse ab origine invalidum, siquidem juxta constitutiones S. Ignatii, superior Provincialis bona Societatis alienare vel gravare

Marechal's manifold plea rejected.

(b) *It may be noticed once for all that, in Marechal's documents, there is a constant use of dots between sentences, as also of* etc., etc., etc., *by way of emphasizing statements. The dots occur between each of the sentences in this paragraph. The reproduction of them would give rise to an ambiguity, as if something were left out in the editing of the papers. At most they might be represented by dashes, which, if used elsewhere in the editing of the said documents, will merely stand for the emphatic dots.*

[40] *Rozaven contrasts this statement with Marechal's counter-affirmation*, No. 117, E, Nota 5, *ad fin.:* Cum novo ardore mentis laboravit idem Ill^mus DD. Carroll ut pars aliqua bonorum, quae P. Societatis officiales Corporationis possident, consecraretur ad sustentationem tum suorum successorum tum cleri saecularis Baltimorensis. Illud fuit ipsi obstinaciter denegatum. No. 121, B, 2.

[41] No. 180, D, 2º; E, [1º]. *There is no allusion in the foregoing to the three grounds of right which Carroll had to an allowance from his brethren. See* No. 117, B, note 3. *The two first of these three titles to support were also vested in Leonard Neale, who succeeded Carroll as archbishop. No one of them subsisted in Marechal.*

[42] No. 180, Q, 3º Proceedings of the Corporation, *10 June, 1818. What is meant by* rumor in publicum prodiit *regarding the Corporation's private affairs, does not appear in the documents. As to* quovis titulo *infra, we find no trace of it. Cf.* No. 181, D.

ullo [*nullo*] modo potest sine praevio consensu Superioris Generalis, etc.[43]

27. Certe quidem haec responsa non parum me contristaverunt, imo scandalizaverunt me et viros pios et doctos, ad quorum notitiam pervenerunt. Verum in re tanti momenti, ne praecipitanter aliquid agerem, tum ad meae conscientiae pacem tuendam, tum ad generale ecclesiae bonum promovendum, primum exquisivi consilium virorum tum scientia tum pietate insignium. Porro mihi unanimiter declararunt :

His consultation.

28. I° Me jus habere evidens ac certissimum percipiendi ex bonis ecclesiasticis Marylandiae eosdem redditus quos mei praedecessores perceperunt.

II° Me non posse, tuta conscientia et sine manifesta infractione juramenti, quod die meae consecrationis ante altaria Christi protuli, valedicere juri quod sedi meae certo annectitur.

Unanimous decision of his councillors.

III° Quod, etsi paupertatis molestias perferre paratus sim, attamen prorsus meae dignitati indecorum esse ut omni temporali bono destituar ; religionis bonum exigere ut archiepiscopus Baltimorensis ab eleemosynis fidelium ad suum victum et vestitum non omnino pendeat. Tandem eum potiri debere redditibus, qui sufficiant ad solvendas expensas quae visitationem et administrationem suae dioeceseos necessario attendunt.

IV° Denique me coram Deo teneri media sumere quibus jura meae sedis agnoscantur et protegantur.

29. Possem quidem, Em^me^ Cardinalis, promptum et efficacissimum medium adhibere, videlicet supplicem libellum senatui supremo Marylandiae praesentare ; neque ullum est dubium quin statim compelleret patres Societatis ut meo juri satisfacerent. Verum hoc extremum remedium adhibere hucusque renui, quia, praeter scandalum quod ex publica lite nasceretur, ratio est et quidem gravissima timendi ne senatores Marylandiae, qui fere sunt ad unum religione heterodoxi, plus aequo in Societatem incenderentur ; atque non solum eam cogerent mihi solvere redditus quibus mei praedecessores potiti sunt, sed etiam eamdem omnibus bonis quae possidet spoliarent.[44]

Certain spoliation of the Jesuits if he appealed to the Maryland Assembly for redress.

30. Quare mihi visum est longe prudentius esse omnem hanc controversiam ad supremum S. Sedis judicium remittere.

Marechal prefers to save the Jesuits by a reference to Rome.

31. Verum tamen Em^tiam^ Tuam animadvertere velim me a patribus Societatis nullum requirere bonum quod ipsi proprium est. Omnia quae sua sunt retineant.[45] Neque pariter ab illis requiro omnia bona quae ipsorum fidei a piis donatoribus ad generale Ecclesiae servitium commissa sunt.

Wants only his own.

[43] *After the Corporation meeting of 18–20 April, 1820, the secretary, Father Edelen, sent to Archbishop Marechal a copy of Carroll's Declaration, 26 May, 1790, that no right over the Jesuit property accrued to the see of Baltimore.* No. 181, D. *Cf.* No. 160, C, *and facsimile of Carroll's Declaration, ibi.*

[44] *A test case was actually tried, this same year, on the issue here propounded by Marechal. It was decided in favour of the Corporation. See* No. 121, A, III., note 5.

[45] *Rozaven calls attention here to the contrary assertion,* No. 116, C, [I°] ; Conjecisse

Eorum zelo et pietati confidens, spero fore ut illis usuri sint ad majorem Dei gloriam promovendam.

32. Verum cum in mea mente perpendo tum solemne decretum senatus Marylandiae, tum privatum contractum, quem inierunt DD. Carroll et superior Societatis Robertus Molineux, tum etiam generales ecclesiae leges, evidens mihi videtur illos teneri mihi concedere redditus quos ven. mei praedecessores perceperunt. Hinc ab illis requiro ut jus meum agnoscant, idque per instrumentum authenticum, quod vim habeat coram lege civili; atque ad devitandas controversias, quae frequenter oriuntur ex dilatione solutionis annualis pensionis (quales fuere quae extiterunt inter eos et DD. Carroll),[46] certissime melius esset ut titulum legalem mihi concederent in unum ex praediis quae possident, quod vulgo dicitur White Marsh. Notorium est namque omnibus illud fuisse non ita pridem ipsorum bonae fidei commissum a pio donatore Jacobo Carroll ad generalem ecclesiae Marylandiensis utilitatem.[47]

Wants White Marsh conveyed to him.

33. Saepe mecum cogitavi adire Romam ad expediendum illud et caetera maximi momenti negotia; sed continua sollicitudo mentis, quam exigit meae dioecesis administratio, simul et mea paupertas, id vetant. Igitur, Em^me^ Cardinalis, ad tuam summam humanitatem et pietatem confugio ut illa ad felicem exitum deducas. Quod si perficere digneris, archiepiscopi Baltimorenses et tota ecclesia Marylandiensis nomen tuum venerari ac laudare non cessabunt.

With this settlement the Cardinal Prefect of Propaganda will merit eternal gratitude from Baltimore and the Maryland Church.

Interim Deum Patrem omnipotentem humiliter deprecamur ut Em^tiam^ Tuam omnibus donis cumulet et eam diu servet incolumem et sospitet.

Eminentiae Tuae

Humillimus in Christo servus tuus

AMB. Arch. Balt.

Propaganda Archives, Acta Sacrae Congregationis de Propaganda Fide, anni 1822 (Baltimori), p. 235[a]; Sommario, Num. I.—*Baltimore Diocesan Archives*, 22 D, f. 6, *seqq.*, *Marechal's autograph:* "Baltimori, die 19 Augusti, 1820."

The foregoing petition failed of its effect, beyond the despatching of a

in unam communem Massam omnia bona quae possidebant, tum ea quae erant Societatis, tum ea quae a piis donatoribus ipsorum bonae fidei commissa fuerant, ad perpetuam sustentationem cleri Marylandiensis, atque eumdem senatum hanc oblationem acceptavisse. No. 121, B, 3.

[46] *The occasion for assigning Bohemia to Bishop Carroll*, in lieu of the sum of 800 dollars now paid from the general fund, *is stated in the Corporation Proceedings, 11 Sept., 1806, to be a proposal made by the Representatives of the Clergy. And a right is reserved to the succeeding Bishop (Leonard Neale, ex-Jesuit) that he shall receive $1000 annually, if the Corporation take back the said estate at the death of Bishop Carroll (ex-Jesuit). Infra*, No. 178, Q. *The time of this resolution was that of the Society's private restoration, and one year after the attempted Agreement with Molyneux. There appears no mention in the documents of the circumstance here alleged in the text:* ad devitandas controversias . . . (quales fuere quae extiterunt inter eos et DD. Carroll).

[47] *There is nothing to this effect in James Carroll's will.* *See* No. 62, C–E.

letter by Mgr. Pedicini, Secretary of the Propaganda (20 *Jan.*, 1821), *to the new General of the Society, Father Luigi Fortis. The Secretary stated the two heads of claims, on jurisdiction and property, advanced by Mgr. Marechal. See* No. 121, G. *We have not found the General's answer. But we do find a short memorandum on the subject of the Maryland Jesuit property, written by the hand of Father Grassi, and drawn up with the help of Father Peter Kenney, who had arrived in Rome from America towards the close of* 1820.[48] *A few days after the date of Pedicini's letter, the General, writing to Father Anthony Kohlmann, Superior in Maryland* (3 *Feb.*, 1821), *refers to the question of privileges, clearly the same subject as that of Marechal's letter to the Cardinal, first part, on jurisdiction* (§§ 3–8). *He says that not all the ancient privileges of the Society have been restored by Pius VII.; he will direct his attention to this matter in due time, as desired by the General Congregation which had just elected him; meanwhile, "the members of the Society are to continue using those privileges, which are essentially annexed to the religious state; I say, the religious state, which is proper to our Society."* [49]

In the year after his letter to Fontana (No. 115), *Marechal suddenly left America for Rome, as Kohlmann said, without any one's knowledge,* nemine conscio.[50] *Then, a great controversy developed, which entailed not only the redaction of many documents, but the printing of several series, submitted to the Propaganda at three different intervals, in what are called* Sommarii, *or briefs.*

In the printed Sommario *of 1822, there follow on this subject:—*

Num. II. *See* No. 118, *infra: Report submitted by the General S.J. to the Propaganda* (*March–May*), *1822. Italian.*

Num. III. *Italian translation of Act of Maryland Assembly, 23 Dec. 1792: Charter of the Corporation; from a copy* (*in English?*) *annexed to* No. 116, A: *Marechal to the General, 18 Jan., 1822.*

Num. IV. *Italian translation of the Carroll-Molyneux Agreement,*

[48] *General Archives S.J., Maryl. Epist.* 6, i., *document* D, Memoria relativa alla pensione, *etc.; s. d.*

[49] *General Archives S.J.*, Epistolae Vicariorum et Generalium, 1783–1825; *1821, Feb. 3:* Ad P. Ant. Kohlmann, Sup^m^ Nostrorum in Amer. Sept. . . . ¶Circa privilegia olim Societati concessa animadvertendum est, restauratorem nostrum Pium VII. non omnia nobis restituisse; quare circa eorum usum caute admodum procedendum est; plura, ut a Congregatione Generali injunctum fuit, petam, et confido me obtenturum. Sed alias de his scribam. Interim pergant nostri iis privilegiis uti, quae sunt statui religioso essentialiter annexa, statui, inquam, religioso, qui Societati nostrae proprius est. *Cf.* No. 130, A, note 3, *the General Roothaan's opinion.*

[50] *General Archives S.J., Maryl. Epist.* 2, i., *Kohlmann, 3* (*23? 30?*) *Oct., 1821, to the General.*

20 Sept., 1805; similarly rendered into Italian, with the attestation: Conforme all' originale. + Amb. A.B. Cf. No. 186.

Num. V. *See* No. 116, A-D: *Correspondence between Marechal and the General, 18 Jan.–4 Feb., 1822; and* No. 117, A–F: *Notes of Marechal on the General's letter of 4 Feb., 1822. Latin.*

Num. VI. *See* No. 116, E: *Marechal to the Propaganda, 12 Feb., 1822. Latin.*

Num. VIII. *See* No. 121, A: *Marechal to the Propaganda,* Breves Responsiones. *Latin.*

Other papers of Marechal's in the same Sommario, Numeri VII., IX.–XVIII., *treat of providing for American bishoprics, of the Philadelphia schism, of excluding from American dioceses the clergy who come from Ireland, of Mgr. Dubourg and Louisiana, etc. Cf.* No. 210, *infra.*

In two later briefs on the same issue, those of 1824 and 1826, there are printed some of the documents given below: in the Sommario *of 1824* (*Propaganda Archives,* Acta), Nos. 123, 124, 125, 126; *in that of 1826* (*Propaganda Archives, ibid.*), Nos. 132, 135, A. *Cf.* No. 210, *infra.*

As Marechal's communications on various subjects, written autograph or duplicated, printed in briefs, or rehearsed in divers forms, amount to some thousands of folios in the Propaganda Archives alone (America Centrale, 5, 6, 7, 8, *besides the* Acta Sacrae Congregationis), *we collect either from the Propaganda or other Archives the substantial documents of the present controversy, omitting endless repetitions.*

No. 116. **1822, January 18—February 12.**

Correspondence between Marechal and the General in Rome. A. *Jan. 18: Marechal's statement of his rights.* B. *Jan. 20: the General's reply.* C. *Jan. 28: Marechal's reiteration and amplification.* D. *Feb. 4: the General's critique.* E. *Feb. 12: Marechal to the Propaganda.*

A.

(A) Rome 18 janvier 1822.

Numero V.

Questo numero comprende il carteggio aperto qui in Roma tra li [!] Arcivescovo di Baltimora ed il P. G. dei Gesuiti; dalla lettera A fino alla lettera D inclusive.

Praesens Archiepiscopus Baltimorensis exigit tantum a Corporatione Cleri Marilandiensis (quae, ex quo restituta fuerit Societas, constat fere exclusive Jesuitis) eosdem precise redditus quos sui ven. praedecessores constanter et sine ulla controversia perceperunt; idque non tanquam gratuitum donum, sed tanquam jus sacrum et evidens innixum nempe—

1º solemni et publico decreto senatus legislativi Marylandiensis ; [1]

Marechal to the General, Father Fortis, Rome, Jan. 18, 1822. Three principles of justice underlying his claim.

2º privato contractu inito inter Ill^mum DD. Carroll et Rev^dum Robertum Molineux primum restauratae Societatis superiorem in Foederatis Americae Septentrionalis Provinciis ; [2]

3º generalibus legibus juris naturalis et ecclesiastici. Siquidem, praeter bona Societatis proprie dicta, Corporatio Marylandiensis in sua possessione retinet bona quae destinata fuerant a piis donatoribus ad sustentationem et incrementum ecclesiae Marylandiensis.

B 1822, January 20.

(B) Illustrissimo Domino Archiepiscopo Baltimorensi.

Praepositus Generalis Societatis Jesu accepit breve scriptum sibi ab Ill^mo D^no Archiepiscopo Baltimorensi missum, nulla tamen subscriptione munitum, quo declaratur dictum Ill^mum Archiepiscopum nihil aliud exigere a Corporatione quam vocat Cleri Marylandiensis, nisi eosdem praecise redditus, quos constanter et sine ulla controversia perceperunt duo venerabiles ipsius praedecessores, et quidem, ut affirmat, jure sacro et evidenti.

The General Fortis to Marechal, Jan. 20, 1822.

Alienum prorsus est a mente et voluntate Praepositi Generalis ut jura episcoporum sive spiritualia sive temporalia a nostrae Societatis religiosis in ulla re laedantur ; quin immo ipsi maxime cordi est ut omne genus obsequii et reverentiae ab eis exhibeatur dignissimo Archiepiscopo Baltimorensi erga nostram Societatem benevolentissimo et de Ecclesia praeclare merito.

In praesenti autem quaestione hoc tantum optat Praepositus Generalis et ab Ill^mo Archiepiscopo humillime petit, ut non dedignetur clarius exprimere, quodnam sit et in quo fundetur jus illud quod sibi vindicat. Namque—

1º Non satis intelligitur quomodo possit Ill^mus Archiepiscopus exigere eosdem praecise redditus, quos duo ipsius praedecessores perceperunt, siquidem alter eorum non habuit eosdem redditus ac prior ; nam priori assignatum fuerat aliquod praedium, posteriori autem annua pensio. Notandum porro est praedictos duos episcopos membra fuisse extinctae Societatis Jesu, eoque titulo aequum fuisse ut aliqua eis pensio tribueretur ex bonis Societatis, praesertim eo tempore quo sufficientem sustentationem aliunde vix haberent. Jus vero strictum et fundatum in eorum dignitate episcopali nunquam agnovit Corporatio.

1. The allowances granted to Marechal's predecessors were various, and were made as to ex-Jesuits.

[1] No. 164.

[2] No. 186.

2º Praetensum jus episcoporum Baltimorensium ut annuos redditus percipiant ex bonis Societatis, quomodo fundetur in decreto senatus Marylandiensis non videmus. Citanda forent verba ex quibus illud deducitur: nos sane in eo decreto nihil tale deprehendere potuimus.

2. The Act of the Legislature apparently irrelevant.

3º Neque P. Molineux, nec alius superior Societatis in America, juxta regulas canonicas, potuit imponere bonis Societatis onus solvendi in perpetuum aliquam pensionem episcopis Baltimorensibus. Scriptum autem quod exhibetur non contractum continet sed quandam promissionem contractus ineundi; qui tamen nunquam initus est. Promissio vero rei, quae non est in potestate promittentis, nullius, ut patet, valoris esse potest.

3. The Molyneux-Carroll paper uncanonical or valueless.

4º Si quae sunt bona inter ea quae a Societate possidentur, ad quae Ill^mus Archiepiscopus jus se habere putat ex voluntate donatorum, res ista ex instrumentis donationum facile componeretur. Non enim dubium esse potest quin donatorum voluntas sit sancte servanda; sed de ista voluntate certis documentis constare debet. Si qua igitur talia documenta habeat Ill^mus Archiepiscopus, dignetur illa communicare.

4. Any legacy meant for Marechal to be identified as such.

Rogat etiam Praepositus Generalis Ill^mum Archiepiscopum ut, si quod porro scriptum hoc de negotio ad eum mittat, illud sua subscriptione muniat; sic enim fiet ut confidentius respondeatur et res citius ad finem deducatur.

Romae 20 januarii 1822.

C. 1822, January 28.

(C) Lettre de M^r l'Archevêque de Baltimore au Supérieur Général.

Rome 28 janvier 1822.

Rev^de Admodum Pater.

Prout Paternitas Tua a me postulaverat, brevem ad eam misi indicem principiorum justitiae, quibus meae nituntur reclamationes: nimirum Paternitati Tuae ea quae decet episcopum simplicitate declaravi, me tantum requirere a Corporatione Cleri Marylandiensis (quae, ex quo restaurata fuerit Societas, constat fere exclusive Jesuitis) eosdem redditus, quos mei ven. praedecessores constanter et sine ulla controversia[3] perceperunt, idque, non tanquam gratuitum donum, sed tanquam jus sacrum et evidens innixum: 1º Solemni et publico decreto senatus legislativi Marylandiensis;—2º Privato contractu inito inter Ill^mum DD. Carroll et Rev^dum P. Robertum Molineux,

Marechal to the General, Jan. 28, 1822. Repetition of the three principles of justice.

[3] *Cf. infra, ad* note 7. *Rozaven directs attention to the contradictory tenor of* No. 117, C, p. 429: [*Carroll*] constanter usque ad mortem suam jus suae sedis et cleri Marylandiensis strenue defendit: constanter judicavit agendi rationem suorum fratrum esse manifestam violationem juris tum publici tum privati. *See* No. 121, B, 1.

primum restauratae Societatis Superiorem [4] in Foederatis Americae Septentrionalis Provinciis;—3º Generalibus legibus juris naturalis et ecclesiastici. Siquidem, praeter bona Societatis proprie dicta, Corporatio Marylandiensis in sua possessione retinet bona, quae destinata fuerant a piis donatoribus ad sustentationem et incrementum ecclesiae Marylandiensis.

Huic brevi notitiae adjunxi unum exemplar tum solemnis decreti senatus Marylandiensis tum privati contractus initi inter ven. meum praedecessorem DD. Carroll et Rev^dum P. Robertum Molineux in America nostra S.J. Provincialem Superiorem.

[1º] Jam vero, si Paternitas Tua attente legerit prius instrumentum, manifeste debuit percipere patres S.J. in Marylandia [(a)] superstites, tempore quo extincta erat Societas et nulla affulgebat spes ipsius restaurationis, sponte [5] adiisse senatum Marylandiensem et proprio motu coram ipso conjecisse in unam communem M a s s a m omnia bona quae possidebant, tum ea quae erant Societatis, tum ea quae a piis donatoribus ipsorum bonae fidei commissa fuerant ad perpetuam sustentationem cleri Marylandiensis, atque eumdem senatum hanc oblationem acceptavisse; [6] et, ut in perpetuum firma remaneret, eam suprema sua authoritate firmavisse.

1. The Act of Assembly giving the common mass of Jesuit property to the clergy of Maryland.

2º Si posterius instrumentum mature Paternitas Tua perpenderit, similiter debuit evidenter percipere P. Robertum Molineux Superiorem S.J. Provincialem sine ulla haesitatione agnovisse redditus, quos Corporatio Marylandiensis solvebat ven. meo praedecessori DD. Carroll, esse et debere esse perpetuos; atque insuper, ut perpetui certo forent, suscepisse obligationem transmittendi eidem ven. meo praedecessori t i t u l u m c i v i l e m ad hunc effectum consequendum.

2. Molyneux undertaking to transmit Carroll's allowance to Carroll's successors.

Nunc autem Paternitas Tua asserit te non distincte videre quomodo jus archiepiscoporum Baltimorensium, ut annuos redditus percipiant ex bonis Corporationis Marylandiensis, quorum administrationem habet Societas,[(b)] fluat ex decreto senatus supra enuntiato.

(a) In Marylandia: *these two words are in the printed* Sommario, *and thus show a process of retouching for use with the Cardinals of Propaganda. So too* oblationem *for* propositionem, *a few lines below. We note here only the principal alterations. The original letter of Marechal is in the General Archives S.J., as noted below.*

(b) *In original:* quorum Jesuitae administrationem habent.

[4] *In the original and in the printed* Sommario *there is a constant difference and variation in the title given to Father Molyneux, as* Superior, *or as* Superior Provincialis. *In point of fact, there was no Provincial of Maryland for some 29 years later, when Father Wm. McSherry was appointed first Provincial of the newly erected Province. The point is of importance in the question here, as presented to the Cardinals, because a Provincial has ordinary powers which the Superior of a Mission has not; though neither, except by delegation from Rome, can dispose of ecclesiastical property in the manner implied by Archbishop Marechal.*

[5] *Cf.* No. 115, § 15, note 23; *and* No. 135, A, Prop. 6, 1, *Marechal to the Propaganda, 15 Jan., 1826:* anno 1793 coacti sunt sistere, *etc.*

[6] *Cf.* No. 115, § 31, note 45.

Attamen, Rev^de^ Admodum Pater, manifeste et sine ullo labore deducitur ex ipsomet contextu illius decreti. Si enim omnia bona olim possessa a patribus extinctae Societatis ab ipsis solemniter conjecta fuerint in communem massam ad perpetuam sustentationem cleri Marylandiensis, nonne planum est archiepiscopum Baltimorensem, qui est certe pars et quidem insignis cleri Marylandiensis et est omnibus destitutus redditibus, jus habere ad aliquam portionem illorum bonorum? Haec consequentia ita evidenter deducitur ex praefato decreto, ut ipsimet patres Societatis [c] sine controversia [7] ex bonis Corporationis statim assignaverint redditus sufficientes ven. meis praedecessoribus.

[a] If there was a common mass handed over to Maryland clergy, the bishop has a right to some part.

Certe vix credere possum Paternitatem Tuam serio loqui, cum objiciat ven. meos praedecessores non eosdem p r a e c i s e redditus percepisse, ac proinde me nullum jus habere ad illos percipiendos; quia nempe praedium primo fuit Ill^mo^ DD. Carroll assignatum, annua autem pensio Ill^mo^ DD. Neale. Si etenim Paternitas Tua vel interrogare velit epistolas, quae sine dubio ad eam super hac quaestione transmissae sunt,[d] videbit quod possessionem praedii Ill^mo^ DD Carroll concessi potuisset quoque retinere Ill^mus^ Dominus Neale. Verum, cum sanctus ille praesul gravibus infirmitatibus premeretur, neque bonorum temporalium curam [e] suscipere posset, administrationem praefati praedii remittere maluit officialibus Corporationis, [f] ea tamen conditione,[8] ut ipsi annuam pensionem solverent 1200 circiter nummorum Mexicanorum.

A selection of allowances accepted by ex-Jesuit bishops shows that other bishops of Baltimore have a right.

(c) *Here in original:* administratores illorum bonorum.
(d) *In original:* lucide. *Cf.* No. 116, D, § 3.
(e) *In original:* in sua senectute.
(f) *In original:* qui, ut bene noscis, sunt Jesuitae.

[7] *Cf. supra, ad* note 3. *This answer is a repetition of the assumption. The next paragraph begins with a supposititious answer of the General:* ac proinde . . . percipiendos. *See* No. 116, B, 1º.

[8] *Cf. Rozaven,* No. 121, B. 8. *As to the alleged imposing of a "condition" by the recipient of the pension or other beneficent provision, so that the Bishop of Baltimore should be considered as invested with a discretionary right, compare* No. 180, D, 2º, E, [1º]: *the act of the Corporation, which, for its own* greater security *thinks fit* to reassume the management of Bohemia estate, *and will* allow the present Arch Bishop (*L. Neale*) *a continuance of the beneficence accorded to his predecessor* (*Feb. 19, 1816*). Nos. 178, Q, 1º; 179, F, 1º: *its former allowance or beneficence consisted in this, that* the Corporation accepts and adopts a proposal made by the Representatives of the Clergy, to transfer to the use of the Bishop of Baltimore (*Carroll*), in lieu of the sum of 800 dollars now paid him from the general fund, the estate of the clergy on Bohemia, *subject to conditions which are specified; and that it will do as much for* the succeeding Bishop (*L. Neale*), *by letting him have Bohemia or* causing to be paid to him annually one thousand dollars (*Sept. 11, 1806; cf.* No. 129, A, 5º). No. 168, A, 22º: *the regulation of the Select Body of Clergy at its constituent meeting under the new charter of incorporation; to the effect* that the Bishop of Baltimore, and his successors for the time being, shall be entitled to the salary as now established of £ currency 210 per annum, provided that the future Bishop be not appointed without the free election of the clergy of this diocese, or of a part of them selected for that purpose (*Oct. 4, 1793*). No. 157, A: *the provision in favour of Carroll, as Superior of the Select Body, and not yet a bishop, is continued to him, and will be continued after his consecration; this* pension of £126 sterling, equal to £210 currency, *is to be* the permanent salary of the Superior, *both as a priest and as a bishop* (*May 13, 1789*). No. 150, B, [V.], 1º: the sum of £210 per annum *is* allotted to the Superior (*Carroll, a priest*) till the next meeting of Chapter,

Quae quidem conventio nedum infirmet jus archiepiscoporum Baltimorensium, illud e contra mirum in modum stabilit et confirmat.

[b] Molyneux's promise valid, even without the General's consent.

Quantum ad contractum initum inter Ill^mum DD. Carroll et Rev^dum P. Robertum Molineux Superiorem S.J. in nostris provinciis, doleo certe multum quod non timeat Paternitas Tua asserere illum esse invalidum juxta regulas[g] canonicas cui praesides Societatis, quia nempe initus fuit sine praevio consensu Superioris Generalis.

Sed huic objectioni facilis admodum est responsio. Etenim factum est inconcussum superiores Societa[*ti*]s in nostra America, a centum et amplius annis, sine praevio consensu Superioris Generalis, omne genus contractuum valide inivisse, v.g. emisse, vendidisse, commodasse, mutuo accepisse, debita contraxisse, donationes et quidem valde pingues accepisse, etc., etc. Si ulla fides sit debita contractibus, quomodo Paternitas Tua audet dicere contractum initum inter Ill^mum DD. Carroll et Rev^dum P. Provincialem Superiorem S.J. Robertum Molineux esse ab origine invalidum; praesertim cum ambo illustres contrahentes essent Jesuitae et ambo probe cognoscerent regulas Societatis?[h] Et insuper, cum objectum contractus inter illos initi non erat bona Societatis, bene vero bona tantum[i] Corporationis cleri Marylandiensis, quorum administrationem caute retinuerunt patres Societatis, etiam postquam solemniter ea dedicaverint sustentationi cleri Marylandiensis?

3. The bishop's property kept by the Jesuits: cannot be proved; but tradition asserts it.

Quaerit tandem a me Paternitas Tua, si sint piae donationes quas possideat Societas, seu potius Corporatio Marylandiensis, ad quas jus habent archiepiscopi Baltimorenses, illud facile a me[j] probatum iri ex ipsomet instrumento[k] donationum illarum.

Verum vix crediderim Paternitatem Tuam ignorare, prohibitum olim fuisse in nostris provinciis, juxta iniquas Angliae leges, ullum bonum donare ecclesiis catholicis, idque sub poena nullitatis. Hinc pii donatores sua bona cogebantur tradere privatis sacerdotibus vel testamento vel fictitio venditionis contractu,

(g) *In original:* leges *for* regulas.
(h) *There are various alterations in the construction and emphasis of this sentence, as between the original and the printed* Sommario.
(i) *In original:* tantum *wanting.*
(j) *In original:* mihi facile.
(k) *In original:* ex ipsis met instrumentis.

and it shall continue at that figure as long as he continues to live in Baltimore; *otherwise it will be* as formerly granted (*Nov. 17, 1786*). No. 148, A, 14º: *the provision* (*formerly granted*) *is made in favour of* the Superior in spirituals, *who*, from the receipt of his faculties *is to be* allowed the salary of £100. 0. 0. sterling per annum, together with a servant, and a chaiz and horse; *the said salary to* continue till the next ensuing meeting of Chapter, and then be subject to their further determinations (*Oct., 1784*). *The Superior at the moment was John Lewis; Carroll was in prospect as Superior; Baltimore and a bishopric were not as yet in view. In this documentary history of an ex-Jesuit pension for an ex-Jesuit Superior in an ex-Jesuit Mission, the only "conditions" that appear are those settled by the donors. "Conditions" imposed by the recipients are first heard of in these Marechal papers, thirty-eight years after the institution of the eleemosynary provision. Compare the Latin story of Mertz*, No. 119, note 4. *Cf.* No. 117, B, note 3.

Societatis, benevero bona Corporationis Cleri Marylandiæ
quorum administrationem sanctè retinuerunt Patres Societatis,
etiam pòstquàm solemniter ea dedicaverint sustentationi
Cleri Marylandiæ?

Quærit tandèm a me PT. ut si sint pia donationes
quas possideat Societas, seu pòtius Corporatio illa, ad quas jus
habent Archiepiscopi Baltimorenses, illud mihi sanctè probetur
in & ipsis met instrumentis donationum illarum.

Veràm vix crediderim Paternitatem tuam ignorare probi-
bitum fuisse in nostris Provinciis, juxtà iniquas Anglicas leges,
ullam bonam donare Fidelibus Catholicis, id quia tàb paucâ
nullitate. Haud pii donatores sua bona cogebantur tradere
privatis Sacerdotibus vel Testamento, vel fictitio venditionis
Contractu, nulla mentione facta suæ piæ intentionis.
Hoc factum cùm haberes, quomodò fieri a me
potuit Paternitati tuæ ut per Archiepiscoporum
Baltimorensium & ipsissimet Testamenta instrumentis illarum
Donationum probum?

Sed Revde Pater, si instrumenta scripta subsequi, altâ
voce intentionem piam Donatorum tradita Comitiis Omni-
sanctorum Catholicorum totius Marylandiæ proclamat, quod
certè abundè sufficit ad convictionem cujuscunque
viri qui in simplicitate Cordis sui colit Justitiam
Deum dictaminis obsequitur.

Ad hanc Epistolam tandèm finis ut imponendus.
Igitur Revde admodùm Pater, me commendo tuis
Sanctis precibus, oraus Dominum Patrem, omnipotentem
ut Paternitatem tuam diù servet incolumem ac
Sospitem.

✠ Amb. Arch. Balt

P.S. Oro Paternitatem tuam, ut quamprimùm
potenit, huic Epistolæ responsum dare dignetur.

Archbishop Ambrose Marechal, Rome, 28 January, 1822, to the General of the Society, Father Luigi Fortis. General Archives S.J., *Maryl. Epist.*, 6, i. Autograph. (⅓ *scale of the original.*)

[*To face p.* 408.

nulla mentione facta suae piae intentionis. Hoc factum cum noveris, quomodo serio a me postulare potest Paternitas Tua ut jus archiepiscoporum Baltimorensium ex ipsismet instrumentis illarum piarum donationum[l] probem?

Sed, Rev^de Admodum Pater, si instrumenta scripta sileant, alta voce intentionem piam donatorum traditio constans et unanimis[m] catholicorum totius Marylandiae proclamat; quod certe abunde sufficit ad convictionem cujuscumque viri, qui in simplicitate cordis sui colit justitiam ac ejus dictamini obsequitur.

At huic epistolae tandem finis est imponendus. Igitur, Rev^d Admodum Pater, me commendo tuis sanctis precibus, orans Deum Patrem Omnipotentem ut Paternitatem Tuam diu servet incolumem et sospitet.

+ Amb., Arch. Balt.

P.S.—Oro Paternitatem Tuam ut quamprimum poterit huic epistolae responsum dare dignetur.[n]

D. 1822, February 4.

(D) Lettre du P. Général à Mr. l'Archevêque de Baltimore.[o]

Illustrissime ac Rev. Domine,

Et ex brevi scripto mihi prius communicato et ex fusiori epistola die 28 januarii data intelligo reclamationes, quibus mihi respondendum est, quadruplici niti fundamento sive facti, sive juris.

The General Fortis to Marechal, Feb. 4, 1822.

1. Factum, prout refertur ab Amplitudine Tua, tale est: Duo ipsius ven. praedecessores quosdam redditus constanter et sine ulla controversia perceperunt; idque, non tanquam gratuitum donum, sed tanquam ex jure sacro et evidenti. Hoc facto innixa eosdem redditus nunc Amplitudo Tua requirit a Corporatione, quam vocat Cleri Marylandiensis.

I. The question of fact. A previous allowance made.

2. Ad elucidationem hujus facti, et ut omnis aequivocatio in re magni momenti tollatur, aliquae explicationes necessariae videntur. Controversia esse potest circa ipsam solutionem, vel circa titulum solutionis. De solutione fateor nullam fuisse controversiam. Non solum duo ipsius praedecessores, sed et ipsa Tua Amplitudo, constanter et sine controversia perceperunt redditus sibi assignatos vel solutos a Corporatione quae administrat bona Societatis Jesu. De ipso autem titulo solutionis, non negabit, ut puto, Tua Amplitudo extitisse controversiam; res enim nimis evidenter constat. Aperte protestatur Corporatio se nullo tempore agnovisse in episcopis

Reason for the allowance. Also a temporary alms to Marechal himself.

(l) *In original:* piarum *wanting, and interspaced passage underlined.*
(m) *In original:* uniformis *instead of* unanimis. *See infra, ad* note (q).
(n) *This* P.S. *in original only.*
(o) *The printed* Sommario *having been imperfectly edited, and showing divers errors in the syntax, we prefer to follow in this document Rozaven's original; the more so as the latter has passages underlined (here interspaced), which serve to accentuate the process of argumentation.*

Baltimorensibus, qua talibus, jus aliquod percipiendi redditus ex bonis a se administratis. Hoc fundamento declaravit Amplitudini Tuae, se ei soluturam pensionem solummodo usque ad dedicationem novae cathedralis ecclesiae, quae aedificabatur. Ea nunc, Deo favente, consecrata est; et ex ea pro more regionis Amplitudo Tua perceptura est redditus ampliores iis quae a Corporatione solvebantur. Putat igitur Corporatio aequum esse ut liberetur ab onere gravi sponte suscepto, praesertim cum Societas nostra, ut optime novit Tua Amplitudo, in Marylandia alia onera gravia habeat sustinenda, et praeterea aere alieno non modico gravata sit.

3. Non erit inutile animadvertere duos ven. praedecessores Amplitudinis Tuae duplicem titulum, quo ipsa caret, habuisse ad redditus aliquos e bonis Societatis percipiendos; fuerunt enim ambo Jesuitae et Corporationis membra; sed ex ipso brevi Clementis XIV. ex-Jesuitae jus habebant ad sustentationem de bonis Societatis. Si quid igitur hoc titulo juris habuerunt, hoc ad successores episcopos minime transire potuit. Porro hic tantum considerandi sunt ut episcopi Baltimorenses; et quaestio est, utrum jus episcoporum Baltimorensium ad bona Societatis sive Corporationis fuerit sine controversia agnitum. Nulla sane fuit controversia cum Ill^mo DD. Neale; si quidem ipse nullum unquam jus sibi vindicavit. Remittit me Amplitudo Tua ad epistolas quas de hac quaestione habeo, ut lucide videam quod possessionem praedii Ill^mo DD. Carroll concessi potuisset retinere Ill^mus DD^nus Neale – – – ipse vero, cum gravibus infirmitatibus premeretur – – – maluerit administrationem praedii remittere officialibus Corporationis – – – ea tamen conditione, ut pensio annua ipsi solveretur – – – quae conventio confirmat jus archiepiscoporum. Consului sane epistolas, quae apud me extant, et inveni rem paulo aliter se habere ac narrat Amplitudo Tua, ut statim patebit.

A double reason on behalf of his two predecessors, as ex-Jesuits, and as members of the Select Body. Neither operates for Marechal.

Cum Ill^mo DD^no Carroll controversia fuit, non autem de jure quod sibi tanquam episcopo jam competere contenderet, sed solum de jure quod acquirere volebat, et suis successoribus asserere. Ipse enim candide fassus est se, ut episcopum Baltimorensem, nullum jus habere ad partem aliquam bonorum quae donata fuerant Societati in America. Et, ne Amplitudo Tua iterum a me quaerat quo modo audeam id dicere, affero documentum quod non puto Amplitudini Tuae esse omnino ignotum: "Ego Joannes Carroll hoc scripto declaro me, vi bullae Papae Pii VI. Baltimoram in sedem episcopalem erigentis, qua episcopum hujus dioecesis, nullum habere jus ad aliquam partem bonorum olim relictorum ad sustentationem Jesuitarum in his statibus missionariorum." Scit profecto Amplitudo Tua autographum hujus declarationis exaratae et subscriptae propria manu Ill^mi DD^ni Carroll etiamnum extare penes Corporationem in testimonium indubium nihil, jure sedis

An effort of Carroll's to acquire a right for his see.

His declaration that his see had no right.

suae, fuisse possessum a primo Baltimorensi episcopo ex bonis a dicta Corporatione administratis.[9]

4. Verum equidem est postea voluisse et conatum esse dictum Ill^mum^ DD^num^ Carroll, ut assignatio sibi facta perpetua foret, et ad successores transmitteretur ;[10] sed verum etiam est, Corporationem semper obstitisse.[11] Fuit ea quaestio saepe agitata; cumque eo tempore plures saeculares membra essent Corporationis, ipsi cum aliis unanimiter declararunt se huic rei consentire nequaquam posse. Cum vero semel Ill^mus^ DD^nus^ Carroll peteret ut saltem suo coadjutori et futuro successori possessio ejusdem boni firmaretur, ipse coadjutor Ill^mus^ DD. Neale, qui praesens erat utpote membrum Corporationis, surrexit et declaravit se hujusmodi praetensionem non habere. Nihil dico quod negari possit; haec enim inserta sunt in actis Corporationis,[12] viventibus et testibus Ill^mis^ DD^nis^ Carroll et Neale, et fidem invenirent etiam in judicio. Factus autem postea archiepiscopus Ill^mus^ DD. Neale dicta facto confirmavit ; nam statim abjecit possessionem praedii suo praedecessori assignati, non causatus, ut ex falsa persuasione asserit Tua Amplitudo, graves suas infirmitates, sed ne videretur jus aliquod sibi velle attribuere ; contentusque fuit ea pensione annua, quae fuit ipsi spontanee assignata tanquam ex-Jesuitae et membro Corporationis, non tanquam archiepiscopo. Nullam vero ipse fecit conventionem, quae jus aliquod adstrueret aut supponeret, neque talis conventionis minimum vestigium inveniri potest. Nequit igitur inde confirmari jus archiepiscoporum Baltimorensium, sicut profecto non stabilitur declaratione Ill^mi^ DD. Carroll superius relata. Haec sufficere puto de facto quo nititur Tua Amplitudo. Venio ad fundamenta juris quae profert.

Carroll failed, Leonard Neale refused to acquire a right for Baltimore.

[9] No. 160, C. *See facsimile, ibid.*

[10] *In the history of the times referred to here, there are many indications of a tradition with the Jesuits of Maryland, notably Charles Neale and Grassi, that Carroll was pursuing a policy corresponding to what is affirmed by Rozaven in this place, and by the writer (Grassi?) of the document*, No. 118, § 9. *Compare Grassi's language to Father Beschter* (No. 113, L); *and Carroll's spirited rebuttal of insinuations, with his explanations* (Nos. 113, C, K, P, Q; 178, M², T², U², X², C³). *But, excepting the third article of the attempted Carroll-Molyneux contract* (No. 186, § 3), *no documents from Carroll's pen appear to corroborate the thesis of the Jesuits who criticized him. He himself complains that he is placed between two opposing interests, the Jesuit and anti-Jesuit ; the former being determined to preserve the property and rights, the latter to take them over some way or other. At least, it may be said, in excuse for the other party, that, if with the Jesuits Carroll's attitude gave rise to the tradition of his being anti-Jesuit, persons of another temper, like Marechal, could have received the impression of his policy being to obtain all that he could, and as fully as he could, for the see of Baltimore. Considering the unprovided condition of that see in Carroll's time, neither of the writers* (*Rozaven here*, No. 116, *Grassi*, No. 118) *implies any aspersion of his motives.*

[11] *Cf.* No. 178, L, *seqq.*

[12] *We do not find this in the* Proceedings of the Corporation, *which are complete and perfect in two record volumes, folio ; nor in such minutes of the Select Body of the Clergy, prior to the existence of the Corporation, as are found in detached quires, somewhat scattered in the American S.J. Archives. However, neither series of records contains the process or incidents of debate, to which the writer is apparently referring here.*

5. Primum fundamentum est ipsum solemne decretum senatus Marylandiensis,[13] quo constare dicit Amplitudo Tua, bona omnia olim possessa a patribus extinctae Societatis Jesu nunc, mutata destinatione, esse bona cleri Marylandiensis, seu destinata esse ad perpetuam sustentationem Cleri Marylandiensis.

II. The question of right. (1) The Act of Assembly giving away Jesuit property.

6. Supponamus tantisper id ita esse: non igitur sola Amplitudo Tua, sed quicumque pertinet ad clerum Marylandiensem jus habebit sibi vindicandi portionem aliquam bonorum Corporationis; quilibet enim sacerdos missionarius, licet non sit pars tam insignis quam archiepiscopus, est tamen pars aliqua cleri Marylandiensis, et hoc titulo non minus juris habebit quam ipsa Tua Amplitudo, licet ad minorem bonorum partem. Cumque archiepiscopi Baltimorenses possint sine controversia quos placet in suum clerum admittere, crescet in dies numerus eorum qui jus habebunt in dicta bona, et qui a Jesuitis titulo justitiae sustentationem petere poterunt. An et hae sequelae admittendae sunt? Utique admittendae; nam, admisso principio, consequentiae negari non possunt. Si vero falsae sunt consequentiae, falsum erit et principium. An dicet Amplitudo Tua solos archiepiscopos jus habere ad redditus ex istis bonis sibi vindicandos, caetera autem cleri membra hoc jus non habere? Sed quo fundamento nitetur haec distinctio? Ista interpretatio est prorsus arbitraria, neque niti potest ipso decreto senatus. Vel quicumque pertinent ad clerum, modo cives sint, jus ex decreto habent, vel neque archiepiscopus, qua talis, ullum jus habet.

Absurd consequence. Every priest could urge a claim.

7. Amplitudo Tua archiepiscopos Baltimorenses exhibet tanquam omnibus destitutos redditibus. Nolim, Ill^me^ Domine, quidquam dicere quod Amplitudinem Tuam offendere aut illi molestum esse possit; malo igitur silere. Me tamen tacente quisque, status rerum in istis regionibus non plane ignarus, sati intelliget non saltem deteriorem esse conditionem archi episcoporum Baltimorensium quam episcoporum Neoboracensium, Bostoniensium, Philadelphiensium, quibus de sufficienti sustentatione provisum est quin partem bonorum Societatis sibi arrogarint.

The Bishop of Baltimore as well provided for as other bishops U.S.

Quando autem Amplitudo Tua addidit ipsos patres Societatis agnovisse jus fundatum in decreto, siquidem statim assignarunt, sine controversia, redditus archiepiscopis, videtur oblita fuisse Ill^mum^ DD. Carroll, tanquam membrum extinctae Societatis, ante ipsum decretum habuisse assignatos sibi redditus.[14] Quomodo vero intelligendum sit istud sine controversia patet ex ante dictis, et ex declaratione Ill^mi^ DD^ni^ Carroll quam retuli, quaeque facta est id exigente Corporatione.

The alms to Carroll antedated the Act of Assembly.

[13] No. 164.

[14] Nos. 147, D, E; 148, A, 14º; 150, B, [v.], 1º. *For the provision made after the Act, cf.* Nos. 168, A, 22º; 173, F, 3º, G, 1º. *See* No. 117, note 3. *Cf.* No. 116, C, note 8.

8. Circa ipsum decretum, ea dicam quae puto Tuam Amplitudinem non latere; cum vero ea in sua epistola dissimulet, videtur mihi necessarium ut, si quid forte exciderit, in memoriam revocet.

The Act of Assembly analyzed.

9. Post suppressionem Societatis Jesu, Jesuitae qui in Marylandia erant ibidem manserunt ut missionarii, et bonorum extinctae Societatis retinuerunt possessionem. Facta mutatione gubernii et existente republica, dicti Jesuitae, ut certam facerent possessionem istorum bonorum quae facile deperdi potuissent per mortem possessorum intestatorum, petierunt et obtinuerunt a gubernio ut formaretur Corporatio sive associatio legalis ex clero catholico Marylandiensi, quae bona ista sub protectione legum possideret iisque uti posset ad fines a possessoribus fiduciariis declarandos. In ista petitione Jesuitae, qui totum fere clerum catholicum istius regionis componebant, sumpserunt titulum Cleri Romani Catholici;[15] quemnam enim alium titulum eo tempore sumere potuissent? Titulus igitur decreti etiam exprimit illum latum esse in favorem ministrorum religionis Catholicae Romanae, sed ex toto contextu manifestissime apparet non universum clerum Marylandiensem, sed certum numerum membrorum ejus habere proprietatem et usum bonorum de quibus agebatur.[16] Namque—

10. 1° Possessores fiduciarii jubentur declarare ad quem finem destinentur ea bona quae possident, ut hujus declarationis fiat instrumentum legale. Ex quo patet intentionem gubernii nequaquam fuisse ut eorum bonorum destinatio mutaretur, sed e contra ut immutabilis servaretur.

1. Declaration to be made under the Act.

11. Porro declaratum fuit a possessoribus ea bona destinari ad sustentationem, non universi cleri Marylandiensis, sed exclusive Jesuitarum et eorum quos, decrescente in dies eorum numero, ipsi admitterent ad participationem sui juris.

12. 2° Gubernium permittit, non universo Clero Marylandiensi, sed iis ex clero in quorum favorem declaratio facta fuerit, ut in decursu unius anni conveniant in aliquem locum, ibique quas velint leges ad pluralitatem votorum

2. The constituent action enjoined on the beneficiaries.

[15] No. 169, A.—*In all the argumentation about incorporation, one reason for that measure is not mentioned. It is stated by Louis de Barth, in connection with property of the Society in Philadelphia; and it has been illustrated above in a Maryland case, when Father George Hunter petitioned the Governor and Assembly to give him, as proprietor, a legalized title* (No. 81). *The reason in question is that of being able to convey property with sufficient assurance to a purchaser, and of being assured that, if a purchaser took advantage of an offer, he could then be forced to pay. De Barth, Conewago, 30 May, 1821, wrote to Adam Marshall, Georgetown, saying that he thought the title deeds, etc., sufficient* to secure the property to the Society against all endeavours and machinations of malevolent persons (and several there are in St. Mary's congregation) to take away that property. But I am still of opinion those titles are not sufficient to convey that property to another, who may allure you by offers of purchasing, and, when the bargain will be concluded, will refuse to pay, and keep still the property under the pretence of your not being able to give sufficient and clear titles. (*Md.-N. Y. Province Archives, (g), De Barth's Correspondence.*)

[16] Nos. 164, 167.

statuant pro administratione dictorum bonorum, et ex suo coetu tres aut quinque administratores eligant, qui nomine omnium agant, assumpto titulo ab ipsis determinando.

13. 3º Ii qui ex praecedenti dispositione conventuri sunt,[17] declarantur constituere Corporationem sive corpus politicum, cui permittitur nomen sibi assumere sub quo designetur et agnoscatur, atque statuta quaedam condere, quae, a gubernio approbata, vim legis habeant et successores etiam obligent. Ut igitur plenius intelligatur mens et sensus decreti, consulenda sunt etiam statuta ex dispositione decreti a Corporatione facta, et a gubernio approbata. Ista statuta efficiunt quod dicitur charta Corporationis.[18] Porro ex istis statutis fundamentalibus et vim legis habentibus omnis ambiguitas, si qua esset, tollitur, omnis controversia evidentissime dirimitur. Namque—

3. The Corporation. Its laws.

14. 4º Corporatio non assumpsit nomen Corporationis Cleri Marylandiensis, ut eam vocat Tua Amplitudo, sed addit voculam, quae licet ut inutilis omittatur ab Amplitudine Tua non inutilis omnibus videbitur; dicitur enim Selecta Corporatio (The Select Body of the Clergy [19]), ut constat ex omnibus ipsius actis. Neque enim ullus e clero, cujuscumque sit dignitatis, potest fieri membrum Corporationis, nisi eligatur et admittatur ab iis ad quos jus istud spectat, juxta ipsius statuta. Qui vero membrum Corporationis non est, nullum etiam jus habet ad bona a Corporatione possessa.

4. The Select Body of the Clergy.

15. 5º Articulus 16[us] statutorum quaestionem nostram plane solvit; in eo enim declaratur: proprietatem bonorum, quae possidet Corporatio, pertinuisse ad antiquam Jesu Societatem; membra dictae Societatis, quae adhuc supersunt, debere ante quemcumque alium sustentationem ex iis bonis habere;

[17] *This phrase, to be accurate, should run:* Ii tres aut quinque, qui ex praecedenti dispositione eligendi sunt administratores. *So, too, in the phrase which follows twice:* a gubernio approbata, *the word* antecedenter *should have been added. Or, if a warrant to fulfil legal conditions could not technically be styled an "approbation," a clause expressing the purview of the warrant would have conveyed the correct idea, as, "secundum jus ipsis factum a gubernio approbante."*

[18] *In the phrasing of this paragraph the acts of three distinct bodies are mingled and confused:* (1) *The Charter of the Corporation, i.e. the Act of the Legislative Assembly of Maryland;* (2) *the fundamental and permanent Statutes of the Select Body of the Clergy, met in constituent assembly to organize anew in a legal form under the Charter which was new;* (3) *the Acts or* Resolves *of the Corporation, which began to exist, as a legal body politic, in the executive Board of three to five Trustees, elected in the constituent meeting by and from the Select Body of the Clergy. All these matters will appear infra,* Nos. 145, *seqq. A sufficiently accurate sketch is given (by Grassi) in* No. 118, § 2: Informazione del Preposito Generale de' Gesuiti alla S. C.

[19] *The name,* Select Body of Clergy, *instead of* Body of Clergy (No. 145, A, [v.]) *appears passim in the fundamental regulations of the constituent meeting under the act of incorporation* (No. 168). *It then designated the same organization or Body, which had always acted in Chapter by certain members elected, now called* Representatives, *and, as such, appointed to control the new executive Board or Corporation under the Charter. The legal name assumed was* The Corporation of the Roman Catholic Clergymen (*5 Oct., 1793*). *See* No. 169, A.

et, si unquam Societas restituatur, administratores (Anglice, Trustees) qui tunc erunt obligatos fore ad omnem conatum adhibendum, ut ei restituatur possessio suae antiquae proprietatis. Iidem administratores (Trustees), antequam suum officium ineant, tenentur juramentum praestare coram magistratu, se fideliter administraturos ea bona secundum statuta Corporationis.[20]

5. 16th Article of by-laws adopted under the Act. Ex-Jesuits or Jesuits sole beneficiaries: sworn to.

16. Ex his sufficienter demonstratum puto intentionem gubernii sicut et possessorum fiduciariorum fuisse, ut bona, quorum possessio tradebatur Corporationi, servarentur intacta, et integra transmitterentur ad Societatem redivivam, si unquam revictura esset, vel adhiberentur exclusive ad usum et sustentationem eorum, qui successive membra fierent Corporationis, cui soli tribuebatur jus de iis bonis disponendi juxta sua statuta fundamentalia. Hinc concludo: Argumentum deductum ex decreto senatus in favorem archiepiscoporum Baltimorensium, non solum non satis firmum videri, sed nullius prorsus esse ponderis.

17. Secundum fundamentum juris prolatum ab Amplitudine Tua est privatus contractus initus inter Ill^mum^ DD. Carroll et P. Robertum Molineux primum restauratae Societatis superiorem in Foederatis Americae Septentrionalis Provinciis.[21]

II. (2) The alleged Carroll-Molyneux private contract. Uncanonical.

18. Dicit Amplitudo Tua se multum dolere quod non timeam asserere illum contractum esse invalidum juxta leges canonicas Societatis cui praesideo, quia nempe initus fuit sine praevio consensu Superioris Generalis. Doleo et ipse, Ill^me^ Domine, quod aliquid affirmare cogar unde doleat Tua Amplitudo. Quanto libentius id affirmarem ex quo gaudere posset. Quid autem? Affirmare aut negare non possumus prout cupimus, sed prout veritas exigit. Cum igitur hic agatur de veritate certissima, iterum affirmo, non libenter quidem, cum id Tuae Amplitudini displicere sciam, sed tamen sine ullo timore, invalidum prorsus esse istum contractum juxta leges canonicas; et non dubito quin idem mecum affirmatura sit Tua Amplitudo, adhibita maturiore consideratione. Non equidem dixi eum invalidum juxta leges nostrae Societatis, quia initus est sine praevio consensu Superioris Generalis; ista verba non mea sunt; dixi simpliciter, esse invalidum juxta leges canonicas,[22] nempe juxta eas leges quibus et nostra Societas et quivis alius ordo religiosus subjiciuntur, quaeque profecto non minus, immo multo magis Amplitudini Tuae notae sunt quam mihi. Nullitatem istius contractus nequaquam repetii ex defectu consensus Praepositi Generalis, quanquam etiam ex hoc capite mihi fundamentum non deesset; sed ex defectu multo magis

[20] No. 168, A, 16°, 24°. *Cf.* No. 167, A, F, G. *On the oath, cf.* No. 119, note 12.
[21] No. 186, *with reproduction of original, which was never shown.*
[22] No. 116, B, 3°.

essentiali, ex defectu nimirum potestatis acceptae a Sede Apostolica; qui defectus talis est ut, sicut optime novit Tua Amplitudo, irritum faceret contractum etiam a Praeposito Generali subscriptum. Nullus siquidem est superior religiosus qui largiri possit per contractum bona suae religionis sine facultate Sedis Apostolicae. Hoc notum est omnibus, quanto magis Tuae Amplitudini!

19. Frustra igitur recurrit Tua Amplitudo ad antiquum usum, juxta quem, ut affirmat, superiores Societatis in America omne genus contractuum faciebant sine praevio consensu Praepositi Generalis. Etenim, 1º licet ad singulos contractus non requirerent praevium consensum Praepositi Generalis, nullum tamen contractum faciebant aut facere poterant sine praevia facultate saltem generali accepta a suo superiore. Id enim manifestum est ex bullis apostolicis, quibus fundabatur regimen Societatis. Porro P. Molineux nullam talem facultatem acceperat.—2º Quotiescumque a Sede Apostolica conceditur alicui superiori facultas alienandi bona religionis, semper apponitur clausula ad evidentem utilitatem; ac proinde ea facultas minime extenditur ad meras largitiones, quae sunt ad evidens detrimentum, non ad utilitatem ordinis, cujus bona dissipantur. Nullus igitur Praepositus Generalis habuit, nec a fortiori concedere potuit facultatem ineundi contractum de quo sermo est.—3º Tempore quo initus est iste contractus, Societas nondum canonice existebat in America, et praeterea restitutae Societati non sunt restituta antiqua privilegia.—4º Licet in foro conscientiae P. Molineux verus esset Jesuita, aggregatus Provinciae Rossiacae et constitutus superior aliorum religiosorum Societatis qui in America vivebant, in foro tamen externo nequaquam jura exercere poterat quae competunt superioribus regularium. Quod adeo verum est, ut ipse Ill^{mus} DD. Carroll, post initum praetensum contractum, declaraverit se non agnoscere existentiam Societatis in America.

Unprecedented. Wasteful.

Wanting in the sanction of an official status in Molyneux, and of the Society's privileges.

20. Frustra etiam vim facit Tua Amplitudo in eo quod ambo contrahentes, cum ipsimet essent Jesuitae, probe cognoscerent regulas Societatis. Quid enim valere potest praesumptio quae facto ipso refutatur? Praeterea hic quaestio est, non de regulis Societatis, sed de regulis canonicis. Neque tamen contrahentes ac praesertim Ill^{mum} DD. Carroll ignorantiae juris accusare audeo; facile excusabuntur si, ut in priore meo scripto jam dixi, scriptum istud consideretur ut promissio contractus, cujus ineundi sperare potuerunt se obtenturos facultates necessarias. Et haec interpretatio fundatur in ipso contextu, siquidem exprimitur faciendum esse ad hunc effectum instrumentum.

A mere promise based on the hope of a contract.

21. Addit Tua Amplitudo, objectum contractus inter illos initi non fuisse bona Societatis, bene vero bona Corporationis cleri Marylandiensis, quorum administrationem caute

retinuerunt patres Societatis, etiam postquam solemniter ea dedicaverint sustentationi cleri Marylandiensis. Quam justa et aequa sit haec Tuae Amplitudinis exprobratio, qua patres Societatis traducuntur tanquam usurpatores vel injusti detentores boni alieni, aliorum sit judicium non meum ——— Hoc unice rogo Tuam Amplitudinem, ut explicare non dedignetur quo modo concilietur haec, quam defendit, dedicatio cum articulo 16. supramemorato statutorum fundamentalium Corporationis, et cum juramento quo semper obstricti fuerunt administratores observandi ea statuta, ac proinde curandi, ut ea bona restituerentur Societati redivivae. Sane ii qui dicta statuta fecerunt, et dicti juramenti obligationem imposuerunt, sunt ii ipsi, qui dicuntur a Tua Amplitudine bona ista dedicasse sustentationi cleri Marylandiensis.[23]

Marechal's charge of spoliation.

22. Verum alia sunt quae, admissa hac assertione, explicatione quam maxime indigent:—Si objectum contractus non fuerunt bona Societatis, quare totus contractus, ab initio ad finem, supponit et exprimit agi de bonis Societatis? Titulus ipse sic habet: "Conventio inita inter R. J. Carroll Episcopum Baltimorensem et R. Robertum Molineux superiorem Jesuitarum." Conventio sane fit de rebus ad contrahentes pertinentibus, non de re aliena. Deinde, articulus tertius his verbis concipitur, "Annuus redditus concessus Episcopo ex bonis Societatis aut Corporationis erit perpetuus et inalienabilis, et ad hunc effectum fiet scripto instrumentum authenticum." An, quaeso, dici potest expressius agi de bonis Societatis? Parient forte difficultatem haec verba, aut Corporationis? Sed istorum verborum sensus ex ipso contextu evidenter patet; namque primo articulo ejusdem contractus dicitur: "Quotiescumque vacabit munus directoris aut oeconomi (manager) alicujus boni pertinentis ad Societatem aut ad Corporationem, quae possidet fiduciarie pro Societate (or the Corporation in trust for the Society)," etc. Quid clarius? Bona quidem erant Societatis, sed non possidebantur a Societate quae tunc temporis necdum habebat existentiam canonicam in America. Possidebantur a Corporatione, sed fiduciarie pro Societate (in trust for the Society). Dicatur, si placet, ipsos contrahentes errasse, nec scivisse quid facerent. Saltem constat eos voluisse et putasse se contrahere de bonis Societatis. Si enim aliter sensisset DD^nus^ Carroll, dixisset utique Corporationem possidere fiduciarie pro clero Marylandiensi.

The alleged contract presupposes not spoliation, but possession.

23. Dato autem, repugnante toto contextu et contradicentibus ipsis contrahentibus, non agi in eo contractu de bonis Societatis, an inde sequetur validum fuisse contractum? Explicetur igitur quomodo religiosus professus, superior Societatis in America, potuerit valide disponere de

[23] *The cogency of this passage might have suggested the theory and statements about* duplex juramentum, *which appear in subsequent documents of Marechal. See* Nos. 126, B, annotation (7); 129, A, 4º *But cf.* No. 119, note 12.

bonis ad Societatem non pertinentibus. Mihi sane difficile captu videtur objectum contractus fuisse rem ad Societatem non pertinentem,(p) et tamen contractum potuisse valide iniri a superiore Societatis. Sed iste superior erat simul membrum Corporationis. Ita sane; sed 1°, nihil est in toto contractu quod indicet ipsum agere ut membrum Corporationis; hujus qualitatis nulla fit mentio.—2° Non puto jus fuisse unicuique membro Corporationis de bonis Corporationis disponendi, et ea cui placeret elargiendi. Quaerenti igitur a me quo modo audeam dicere contractum istum fuisse ab origine invalidum, facile respondeo hoc unico ratiocinio: Contractum istum iniit P. Molineux, vel tanquam superior Societatis de bonis Societatis disponens; vel tanquam membrum Corporationis disponens de bonis Corporationis. Si prius, invalidus est contractus, non solum quia factus sine ulla facultate Generalis, sed etiam, et maxime, quia contrarius est legibus canonicis et bullis apostolicis, quibus reguntur omnes ordines religiosi; si posterius, iterum est invalidus, quia de bonis Corporationis sola Corporatio disponere potest. Nisi ista difficultas solvatur, ruit penitus secundum fundamentum a Tua Amplitudine prolatum.

If a spoliation, why a contract? If a contract, with whom did Carroll make it? If with Molyneux as Superior, then the subject-matter was a Jesuit possession. If with Molyneux as a member of the Corporation, then the contract was invalid, because he was not the Corporation.

24. Quam debile esset hoc fundamentum agnovit ipse ven. praedecessor tuus DD^nus^ Carroll. Cum enim, post mortem Patris Molineux maxime instaret ut Corporatio consentiret perpetuitati reddituum sibi assignatorum et constanter huic petitioni resisteret Corporatio, numquam dictum contractum protulit in medium; nullam de eo mentionem fecit, sed occultum et omnibus ignotum illum tenuit; numquam petiit ut executioni daretur et promissum instrumentum authenticum conficeretur; nec quisquam hodie sciret extare aut extitisse talem contractum, nisi illum e suis tenebris, quibus merito damnatus fuerat, protulisset Tua Amplitudo.[24] Manifestatio autem

Carroll never divulged this apocryphal contract.

(p) *In original of Rozaven:* pertinens.

[24] *In a copy. Cf.* No. 116, C, *second paragraph. As it appears in the Italian translation of the* Sommario, *it is signed:* Conforme all' originale. + Amb. A. B. *See* No. 186.—*The solution of Rozaven's dilemma in* § 23, *and the justification of Carroll and Molyneux, are supplied by facts which only the entire body of original documents now serves to reveal. Besides Rozaven's two alternative members of the dilemma, there was a third: Molyneux acted either as Superior, or as an individual Trustee of the Corporation, or (third member) as Superior expecting to supplant the Corporation; which latter body should remain, as Carroll expressed it, only* pro forma *in administering the temporalities of the Society, now duly reconstituted and provided with its own Superior. When Carroll drafted with his own hand the form of Agreement for the concurrence of Molyneux, he hoped, and Molyneux was willing, that the sole action of this ordinary Superior should soon take the place of the bureaucratic operations conducted by the Board or Corporation; and even Bitouzey at that moment seemed to be complaisant. Hence the prospective or promissory character of the Agreement. But, on testing it, the experiment failed, though the only members of the Board, besides Carroll and Molyneux, were three secular priests, Pile, Plunkett, and Bitouzey, two of these being ex-Jesuits who never entered the Order again. Then the draft became waste paper for memoranda of Carroll's, as is seen below in the facsimile.*

hujus scripti, nedum sit causae nostrae noxia, ei favere videtur. Nam, quantumvis invalidus sit ille contractus, probat tamen clarissime Ill^mum^ DD. Carroll longe aliter sensisse ac Amplitudinem Tuam ; siquidem expressis verbis fatetur Corporationem possidere fiduciarie pro Societate; unde sequitur ea bona nequaquam dedicata fuisse sustentationi cleri Marylandiensi[s] eo sensu quo intelligit Tua Amplitudo. Illud vero patet non solum ex verbis a me citatis, sed ex integro contextu, et praecipue ex articulo secundo, ubi statuitur Societatem non teneri suppeditare sustentationem missionariis assignatis ab episcopo in ecclesiis, quae sitae sunt in possessionibus Societatis, nisi accedat consensus superioris Societatis. Ex quo patet Amplitudinem Tuam, asserendo bona Corporationis non esse bona Societatis, recedere a sensu et loquendi modo suorum praedecessorum.

But the contract, though invalid, is a valid testimony that the Corporation possessed in trust for the Society.

25. Tertium fundamentum est: Praeter bona Societatis proprie dicta, Corporationem Marylandiensem in sua possessione retinere bona quae destinata fuerant a piis donatoribus ad sustentationem et incrementum ecclesiae Marylandiensis.

II. (3) Marechal's claim that S.J. received trusts for him and Maryland, besides what it received for itself.

Sunt igitur aliqua saltem bona Societatis proprie dicta, fatente Tua Amplitudine. Non ergo fuerunt, ut ante affirmaverat,[25] omnia bona Jesuitarum dedicata sustentationi cleri Marylandiensis. Salva igitur sint saltem ea bona quae sunt Societatis proprie dicta, nec quisquam ea aut eorum partem sibi attribuere velit. Si quae autem bona a Corporatione possidentur, quae sint proprie dicta archiepiscoporum Baltimorensium, ea sane statim suae sacrae destinationi restituantur. Dixeram : si quae tales sint piae donationes, earum destinationes constare debere ex ipsis instrumentis donationum. Ad hoc respondet Tua Amplitudo me non ignorare leges Angliae iniquas, nec proinde posse postulare ut jus archiepiscoporum Baltimorensium probetur ex instrumentis donationum. Verum meminerit procul dubio Tua Amplitudo, quid sibi talia objicienti jam fuerit responsum in America. Utique omnibus notae sunt iniquae leges quibus olim regebantur Provinciae Americanae ; et iniquus ipse essem si talia instrumenta exigerem, quae per

Then the Society owns something, and did not make a present of everything to a Maryland clergy.

The want of legal documents to prove, legally or otherwise, a right in the see of Baltimore.

This circumstance of deliberate suppression by the author himself Rozaven here suggests : occultum, ignotum, e suis tenebris. *But that the original was thus deleted by the memoranda, Marechal did not divulge ; and the original itself he never showed or offered to show. He wrote simply on his copy, as the Italian translation has it : "Conformable to the original," or "A true copy ;" which might mean indistinctly either the deleted original or the memoranda deleting it ; though the translation agrees with neither. For this history in the documents, see* No. 178, M–S, *where it also appears* (M) *that Bitouzey knew of the secret agreement, and disapproved of it. For Marechal's copy, as compared with original and memoranda, see* No. 186. *For the facsimile, see ibid. For Marechal's handling of the text, cf.* No. 115, note 36.

[25] No. 116, C, [1º] ; *cf. ibid.*, A, 3º

leges fieri nequibant et quae vim haberent probandi in ipsis tribunalibus. Verum notum est etiam, vigentibus illis legibus iniquissimis, pias donationes et donatorum intentiones semper firmatas fuisse scriptis, privatis quidem, sed tamen sufficientibus ad fidem faciendam. Plus sane non requiro; scripta hujusmodi sunt plane necessaria, omnium judicio, ut sufficienter constet de determinata intentione donatoris; nec facile invenietur pius donator, qui suas intentiones relinquat interpretandas voci publicae et incertae traditioni.

26. Loquitur Tua Amplitudo de traditione constante et uniformi [q] catholicorum totius Marylandiae. Contendere nolim; sed tamen multa essent inquirenda de realitate, de fundamento, de objecto, de certitudine talis traditionis. Assertiones Tuae Amplitudinis sunt omni fide dignae; quis de hoc dubitare potest? Veruntamen non est etiam contemnendum testimonium religiosorum virorum, qui loquuntur de rebus sibi bene perspectis. Liceat mihi hic transcribere declarationem quam, omnibus perpensis et mature ponderatis rationibus et documentis a Tua Amplitudine propositis, ut debito conscientiae suae satisfacerent, faciendam censuerunt membra Selectae Corporationis Cleri Marylandiensis: "Declaramus nos legitime et juste possidere omnia bona olim et ante suam suppressionem possessa a Societate Jesu; similiter omnia bona acquisita per donationem aut per emptionem a membris dictae Societatis in hac regione, post ejus suppressionem, et quae ad nos devenerunt transmissione vel testamento (by will or deed). Declaramus praeterea nos, quantum scire possumus, nihil possidere ad quod jus plenum non habeamus in lege, et in conscientia fundatum; siquidem omnia bona quae possidemus vel acquisita, vel dono accepta sunt a nostris praedecessoribus, nobis autem ab eis transmissa eo modo quo bona legitime transmittuntur, et confirmata per decretum nostrae incorporationis. Putamus autem nos teneri in conscientia singula ista bona applicare ad usum religionis, juxta regulas et praescriptum instituti Societatis Jesu (cum haec fuerit voluntas expressa primorum possessorum) in quantum illud nobis permittitur per leges hujus regionis; neque nobis licitum esse illis uti ad alium finem quantumvis pium. Declaramus denique nos teneri ea bona tueri et defendere contra quorumcumque conatus volentium ea aut eorum partem sibi usurpare." [26]

An alleged tradition not substantiated is not a proof.

The counter-declaration of the Trustees a valid rebuttal.

27. Addam tantummodo quaedam generalia et indubia principia; cum enim Tua Amplitudo generatim tantum loquatur, non video quo modo possim aliter respondere vagae et indeterminatae ejus assertioni: 1° In donationibus considerari debet cui fiant, et ad quem finem fiant. Finis donationis non impedit quominus fiat tali determinatae personae vel tali ordini

Conditions of a valid donation for pious uses.

(q) *In printed* Sommario, *changed to* unanimis. *See supra,* note (m).

[26] No. 89, F.

aut corporationi; et proprietas rei donatae pertinet, sine controversia, ei cui fit donatio, qui solum suscipit onus satisfaciendi donatoris intentioni.—2º Quando fit donatio ad pios usus, vel usus isti determinantur vel non. Si prius, ea determinatio mutari nequit a donatario; si autem non determinatur, eorum determinatio libera manet donatario, qui cogi non potest ad usum talem determinatum, potius quam ad alium pium usum qui magis ei placebit.—3º Dubium non est quin omnia bona donata in Marylandia sive antiquae Societati, sive membris Societatis extinctae, sive Corporationi, quae possidet fiduciarie pro Societate, fuerint donata pro bono et augmento religionis in Marylandia,[27] cui nimirum fuisse et futuri utiles putabantur Jesuitae, qui primi, et diu soli, eam vineam excoluerunt; potuerunt autem donari sive directe pro sustentatione missionariorum, sive pro usibus piis et utilibus religioni indeterminate, vel denique pro aliquo usu determinato.

28. His positis, patet bona a Corporatione possessa fiduciarie pro Societate, et donata ad quemcumque finem sive antiquae Societati existenti in America, sive membris ejus post suppressionem superstitibus atque Corporationi transmissa, legitima esse bona Societatis, neque plus juris esse in illa bona archiepiscopis Baltimorensibus quam cuilibet episcopo in bona religiosorum in sua dioecesi existentium. Si qua bona data sunt Societati ad pios usus indeterminate, certum puto Societatem coram Deo et coram hominibus satisfacturam, eis utendo ad fines suo instituto congruos, qui utique pii sunt et ab Ecclesia approbati. Si denique aliqua essent donata ad usum determinatum, verbi gratia ad sustentationem archiepiscoporum Baltimorensium, potest Tua Amplitudo exigere ut satisfiat determinatae intentioni donatoris sufficienter probatae; neque aliud requiro nisi ut Tua Amplitudo dignetur designare ista bona, et simul documenta producere, quibus constet de donatoris intentione. Ego sane tales existere donationes non scio neque existimo.

The Society now legitimate beneficiary of the trust in the Corporation.

Otherwise, any claim of the see of Baltimore as beneficiary requires substantiation.

29. Et haec sunt, Ill^mi^ ac R^me^ Domine, quae pro meo officio respondere

[27] In Marylandia: *This limitation is not to be seen in any donation; and it cannot be understood of the devises made by Jesuits themselves, who divested themselves of their property in favour of the Maryland or American Jesuit Mission. A Mission or Province taking its name from a political division of territory need not coincide in extent with the limits of that territory. Still, in all cases, the principles of administration, as exercised by the Generals S.J., prohibited the transfer of property from one part or College of the Society to another, even where the terms of acquisition did not prohibit such transfer. See the statement of the General, Father Fortis, in his autograph Italian draft of a Memorandum for the Cardinals of the Propaganda, (May 18, 1822):* No. 203, B, IV. (1). *Cf.* No. 143, [III.], *Carroll's Plan of Organization for an Ex-Jesuit Chapter:* The General, whom the Constitutions vest with a power energetically called superintendentia, could not alienate without manifest advantage, appropriate to himself, or make a partial [*inequitable*] application of any part of the estates possessed by Colleges; if he did, this was one of the cases deemed sufficient for his deposition. *One part of this passage, relative to alienation, is identical with the statement of Rozaven, supra,* § 19, 2º.

debui; neque enim mihi licitum esse arbitror jura Societatis, cujus ex divina dispositione regimen mihi commissum est, non tueri. Hinc confido Tuam Amplitudinem ea quae dixi in bonam partem esse accepturam. Puto me ostendisse: 1º Nihil unquam archiepiscopis Baltimorensibus Corporatione solutum fuisse tanquam jure debitum; atque id clare fassum esse Ill^{mum} DD^{num} Carroll, cujus declarationem retuli.—2º Ipsum decretum senatus, et statuta Corporationis auctoritate senatus facta et approbata, controversiam in nostrum favorem dirimere.—3º Contractum prolatum a Tua Amplitudine nihil nobis officere, immo prodesse, si quidem invalidus ad adstruendum jus archiepiscoporum Baltimorensium valet profecto ad demonstrandum, nunquam dubitasse DD^{num} Carroll quin bona Corporationis essent bona Societatis.—4º Denique pias donatorum intentiones in tuto esse, nec nocere juri proprietatis quod Societas sibi vindicat in bona sibi immediate vel mediate donata. Utrum omnia ista vere et solide demonstraverim sit, si ita placet, judicium arbitrorum communi consensu eligendorum, quibus libenter consentio ut haec mea responsio simul cum epistola Tuae Amplitudinis examinanda communicetur.

Conclusion. The alleged claims of fact and right all rebutted.

Interim Deum precor, ut Amplitudinem Tuam in bonum religionis ecclesiae suae diutissime conservare dignetur, meque summa reverentia et veneratione profiteor,

Illustrissime ac Reverendissime Domine,

Tuae Amplitudinis

Humillimus et devotissimus in Christo servus,

Aloysius Fortis, Praep. G^{lis} S.J.

Romae die 4 februarii 1822.[28]

E. 1822, February 12.

Eminentissimi Patres S. Cong^{nis} de Prop. Fide. Numero VI.

Paulo postquam ascenderim sedem metropolitanam Baltimorensem, graviter ejusmodi Sedis jura temporalia a patribus restauratae Societatis Jesu impugnata sunt. Potuissem quidem directe confugere ad supremum tribunal senatus Marylandiensis et potentissimam ejus implorare et obtinere protectionem. Verum timens scandalum quod ex publica lite in nascente Foederatae Americae ecclesia oriretur, simul et saevitiam qua certissime tractarentur viri religiosi qui sub multiplici respectu de me bene merentur, post multas coram Deo super hac momentosa re meditationes, elegi prius recurrere ad

Lettera dell' Arcivescovo di Baltimore alla S.C. con cui unì la copia del carteggio aperto tra esso ed il P. Prep. G. de' Gesuiti.

Marechal did not wish to ruin the Jesuits by citing them before the Maryland Assembly.

[28] *There is a noteworthy difference between the length of time, seven days, spent by Rozaven on this exhaustive treatise* (D), *and the eight days given by Marechal to writing the short letter* (C), *which he closed with a demand for urgency in reply. To the present argumentation, from* § 7 *to* § 29, *Marechal makes no reply, passing it all over as "utterly false," "inconclusive," and "requiring a volume to confute it." See* No. 117, E, *first paragraph. In* No. 116, E. p. 423, *he "grieves" over its "tenor."*

mitiora media quibus controversiam inter nos existentem amice componi posse judicabam.

Illis igitur successive proposui rem committere primo decisioni episcoporum Americanorum; deinde judicio sacerdotum sua integritate, scientia et pietate insignium; vel tandem, si ipsis illud magis placeret, arbitrationi tum sacerdotum tum jurisperitorum. Haec omnia media pacis, fidentes nimirum exteriori civili titulo quo potiuntur, repulere.[29] Atque cum ad bonum ecclesiae Americanae pro modulo meo promovendum Romam venissem, prima vice qua cum Rev^do^ Generali Societatis Superiore conversatus sum, eum multum adhortatus sum ut inter nos amicabili negotio controversiae tam gravis momenti tandem finem imponeremus. Propositioni mihi visus est assensum ultro praebere. Igitur primo Paternitati ejus, prout a me postulaverat, in brevi nota exposui praecipua principia juris quibus meae reclamationes nituntur; deinde ad eum misi epistolam paulo longiorem, in qua objectionibus a Paternitate Sua propositis dabam responsionem. Verum ex tenore ultimae epistolae quam mox ab eo accepi dolens video omnes meos conatus ad pacem obtinendam prorsus irritos fore.[30] Ergo ad Sanctam Sedem, cujus organum est S. Congregatio, invitus compellor confugere.

His peaceful proposals in America and Rome.

The tenor of the General's last letter discouraging.

Jam, Eminentissimi Patres, prae manibus habetis memoriale quod ad vos ex America nostra die 19^a^ augusti 1820 transmisi.[31] Huic amplissimo documento nunc varias adjungo epistolas quas paucis abhinc diebus P. Superior Generalis et ego ad nos invicem misimus. Argutiae certe sine fine multiplicari possunt. Verum omnia solidiora argumenta, quibus quaestio elucidari ac solvi possit, ex utraque parte Eminentissimis Patribus proposita sunt. Quocirca eos omnes humiliter et enixe deprecor ut supremo suo judicio gravem quaestionem a pluribus annis agitatam solvere dignentur; neque me sinant detineri longiore tempore quam absolute necessarium est Romae; bene vero permittant quanto citius reverti ad dilectissimam meam sponsam ecclesiam Baltimorensem.

Argumentation to be dropped. Let the Propaganda decide without delay.

Quantum autem ad portionem bonorum ecclesiasticorum quam S. Congregatio in sua sapientia et justitia adjudicare posset sedi Baltimorensi, praedium dictum Bohemia a meo praedecessore possessum aut, quod melius foret, praedium dictum White Marsh, si civili titulo ad me transferatur a patribus Societatis, salvo meliori judicio S^ae^ Congregationis,

He will accept from the Propaganda the Jesuit farm of White Marsh.

[29] *The documents of the Md.–N. Y. Province S.J. Archives, ample though they are, fail us here in identifying the facts of this statement, whether as to the proposals, or as to their rejection.*

[30] *Cf.* No. 121, B, 9; *Rozaven on this passage.*

[31] No. 115.

sufficeret ad terminandas controversias existentes et ad providendum mensae archiepiscopali.

Cum summa veneratione et obsequio remaneo

Emm. VV.

Humill. ac Devotiss. Servus,

+ Amb. Arch. Balt.

Romae die 12ª februarii 1822.

Eᵐᵒ Dᵒᵒ Cardinali Fontana S. C. de Prop. Fide Praefecto, caeterisque Eᵐⁱˢ PP. ejusdem Sᵃᵉ Congregationis.[32]

Propaganda Archives, Acta S. Congregationis de Propaganda Fide, 1822. (Baltimori); Sommario, Num. V., VI.—*General Archives S.J., Maryl. Epist.*, 6i.: *the originals, autograph, of Marechal to the General,* A, C, *supra; the originals of Father John Rozaven, Assistant to the General, Father Aloysius Fortis,* B, D, *supra.—Georgetown College Archives, MSS. and Transcripts, Marechal Controversy; Marechal's autograph draft of E, in 4to, 3 pp. and 3 ll.; where the last paragraph,* Quantum autem, *appears after the signature, as an afterthought to be inserted in the letter. Ibid., Shea's copy from the* Sommario.—*Cf. Baltimore Diocesan Archives:* 22 D, 14, *the originals,* B, D, *of the General, in the hand of his amanuensis: and* 22 D, 13, *an autograph draft by Marechal of* C *above, where he adds a statement that the Bishop of Boston had a house of his own and 1500 dollars of income; the Bishop of New York had a house, furniture, and 1200 dollars of income; while the Archbishop of Baltimore has 400 dollars of income which he must pay to the oeconomus for his mensa.*

[32] *In the General Archives S.J., Maryl. Epist.* 6, i., *there is an autograph paper of Marechal's, entitled* Extracts, *4 pp. 4to, without date or signature. There are four extracts in all, without any reference to their source or authenticity.*

(1) *The first consists of two paragraphs from the Carroll-Molyneux Agreement, in nearly the same form, but in English, as given above in Latin by Marechal to Fontana* (No. 115, § 23). *The gloss:* "*(namely the Maryland Clergy),*" *is wanting; and the copy is taken, not from the original form of agreement, but from Carroll's memoranda correcting the Agreement. Cf.* No. 116, note 24.

(2) *The second begins:* Letter of Bishᵖ. Carroll to Fʳ. Gruber, Gˡ. of the Society in Russia. ¶Perspicuum est . . .; *ends:* . . . inservierant. *See* No. 115, § 15.

(3) *The third begins:* Extract of the letter of Bish. Carroll to the Revᵈ. Mr. Molineux, by which he nominated him Supʳ. of the Society. ¶Though I cannot, and ought not to interfere more than the General's letter authorises in the interior administration of the Society, yet Bishops and the Jesuits will, I trust, ever be convinced, *that mutual concert between them is for the good of religion.* But the Bishop must always retain over Jesuits and other regulars, employed in the public ministry, as to their continuance in and manner of performing it, the same authority as over secular priests. *It ends:* By such conduct the Society will enjoy peace at home, and confidence and esteem abroad, and be enabled to promote more and more the service of God. *This is a* P.S. *to Carroll's letter nominating Molyneux Superior. See whole context,* No. 178, H.

(4) *The fourth begins:* Extract of a letter of Rᵈ. Ch. Neale, Supʳ. of the Society to Archᵖ. Carroll, dated Mount Carmel, 28th. Nov. 1810. ¶Be it however, Most Rᵈ. Sir, positively understood, that I mean not to give up any control over any individual subject of our Congregation (that being absolutely necessary for the well governing thereof). It is true I ought to be reasonable in that respect. But it is equally certain that I have no authority to give up any right that would put the subject out of the power of his Superior, who m u s t and o u g h t to be the best judge of what is most beneficial to the universal or individual good of the members of his Congregation. ¶On the back of this letter, Archᵖ Carroll wrote these two words: I n a d m i s s i b l e P r e t e n s i o n s.

The date of this letter and its style, in the use of the word Congregation *instead of "Society," connects it with the meeting of the bishops in 1810, and with the "synodal article," which, as Kohlmann remarked to Grassi, had been communicated to Charles Neale. It also seems to be the "formal protest" itself, which Neale had entered against the "synodal statute."* *See* No. 115, note 2.

No. 117. 1822, (February–May).

Marechal's Notes (1–6) on the last letter of the General (No. 116, D).

Addressed to the Cardinals.

NUMERO V.

Queste note trasmesse dall' Arcivescovo di Baltimore alla S. C. in replica alla precedente lettera del P. Fortis vengono comprese sotto il numero V. e distinte colle lettere E, F, G, H, I, L.

Notae quibus confutantur praecipuae assertiones R. P. Fortis P. G. S. J. contentae in ultima ejus epistola data Romae die 4 februarii 1822.

A.

(E) Nota 1

" Non solum dico (Amplitudinis Tuae) praedecessores, sed et ipsa Tua Amplitudo constanter et sine controversia perceperunt redditus sibi assignatos, vel solutos a Corporatione quae administrat bona Societatis Jèsu."[1]

Haec assertio non solum veritate penitus destituitur, sed etiam omni verisimilitudine. Factum est quidem patres Societatis, qui sunt officiales Corporationis cleri Marylandiensis mihi promisisse 560 nummos Mexicanos singulis annis per quatuor annos solvendos; intra quod temporis spatium, aiebant, certo consecranda erat una [*mea*] cathedralis ecclesia, qua semel consecrata, possem ex locatione sedilium sufficientes percipere redditus.[2]

Marechal to the Cardinals. He did accept of the gift from the Corporation, but as his right. Hence it was not a gift from the Society's goods.

Verum ego, et quidem merito, timens ne ex simplici acceptatione propositi doni concluderent me tandem agnovisse archiepiscopos Baltimorenses nullum jus strictum habere ad portionem bonorum cleri Marylandiensis, ipsis responsum dedi, me recepturum fore ab eis hos 560 Mexicanos nummos, quos mihi per quatuor annos solvere promittebant, sed tanquam portionem tantum reddituum ad quos jus habebam tanquam archiepiscopus Baltimorensis. Recepta hac mea responsione, perceperunt me devitasse rete quo me apprehendere studuerant. Igitur ne viderentur suae promissioni penitus infideles, identidem ad me transmiserunt paucos nummos, quorum totalis summa per quatuor annos vix ad promissum reditum unius anni assurgit.

Et non solum assertio P. Fortis omni veritate destituitur, sed et insuper omni verisimilitudine.

Si enim constanter et sine controversia percepi redditus mihi debitos [!], quo modo fieri possit ut ipse P. Superior Generalis et ipsius in America subjecti contendant me ad eos nullum jus habere, neque se fore eos soluturos, ego autem contendam me jus sacrum habere ad illos redditus et requiram ut mihi solvantur?

His disputing now shows the right subject to dispute.

Mirabilis certe est supradicta assertio R. P. Sup. Generalis.

[1] No. 116, D, § 2.—*Infra, this page*, assignatos *is changed into* debitos.

[2] No. 180, P, Q, 3º, R. *The resolution of the Corporation* (No. 180, Q, 3º) *reads:* for the space of three years . . . a pure gratuitous grant or donation.

B.

(F) Nota 2.

"Fuere enim ambo Jesuitae et Corporationis membra et ex ipsomet brevi Clementis XIV.," etc., etc., etc.[3]

The two preceding bishops received a larger allowance than the other ex-Jesuits. Therefore it was not merely as ex-Jesuits but as bishops they received it.

Juxta regulam ab officialibus cleri Marylandiensis (qui sunt omnes, uti infra observavi, Jesuitae) conditam, omnia membra Societatis recipiunt summam pensionem 80 nummorum Mexicanorum.

Verum Ill. DD. Carroll omnes redditus pinguis praedii percepit; ipsius autem ven. successor Ill^mus DD. Neale 1200 num. Mexic. singulis annis. Ergo non tanquam mere Jesuitis, sed tanquam archiepiscopis Baltimorensibus ipsis provisum fuit ex bonis cleri Marylandiensis.

[3] No. 116, D, § 3. *There were three titles of right in Carroll to support from the Jesuit estates and to an extra support.* (1) *He was an ex-Jesuit, having a claim by natural equity and by the express provision of Clement XIV.* (2) *He was a member of the Select Body* (No. 145, A, [v.]), *and became a beneficiary under the Act of Incorporation* (No. 163). (3) *As* Superior in spirituals *under the old Chapter, prior to incorporation, he was provided for specially by a resolution of Oct., 1784, when Father Lewis was still Superior in spirituals, and Dr. Carroll's appointment as Prefect Apostolic came under consideration* (No. 148, A, 14º). *The allowance then granted to the Superior of £100 sterling per annum was increased, two years later (Nov. 17, 1786), to £210 (currency), in favour of Carroll, now Prefect Apostolic, since he had moved to Baltimore from his home at Rock Creek* (No. 150, B, [v.], 1º). *In the interval between these two dates, the question of a bishopric was agitated; and the same Chapter which allotted to the* Superior in spirituals *£100 sterling per annum, resolved that, if a bishop were* sent, *that is, imposed without being elected, he should* not be entitled to any support from the present estates of the clergy (No. 149, B, 2º). *Subsequently, having been elected, and having made the declaration that the see of Baltimore had no right to a subvention from the Jesuit estates, he received the allowances on which the present controversy partly turns: £210 currency per annum as before* (No. 168, A, 22º); *later, £300 per annum* (No. 173, G, 1º), *or 800 dollars per annum* (No. 178, Q); *finally the usufruct of Bohemia estate* (*Ibid.*). *These grants were strictly limited by conditions, as may be seen in the resolutions quoted. See* No. 116, C, note 8.

It must be confessed that neither an American estate, nor all the Jesuit plantations together were such a treasure of assets as their name or number of acres might imply. Bohemia consisted of more than a thousand acres; yet, fifteen months after it had been assigned to Carroll's use (11 Sept., 1806), he wrote to Molyneux, Superior of the Mission and president of Georgetown College, excusing himself for not having made a certain remittance, which was still due from the Propaganda on account of certain students; and he mentioned incidentally the whole sum of his income so far received from Bohemia: My engagement to you was, to pay it at Xmass, if the Progaganda did not. This was done in full confidence of receiving my rents from Bohemia; from which estate not one penny has yet come into my hands since it was assigned to me, except one hog about a week ago. (*Md.-N. Y. Province Archives, Carroll, Baltimore, 29 Dec., 1807, to Molyneux, President, Georgetown; letter 79, 2 pp. 4to.*) *Compare also* No. 118, § 5, note 12: *McElroy, procurator of Georgetown in 1817, on the remittances for that year from all the plantations together. Another circumstance of the usufruct thus assigned to Carroll stood out pointedly after his death, when his executors (Enoch Fenwick and Brent?) submitted to the Corporation an account of* $258 for oil for sacred uses. *The demand was met with a tart resolution, that,* seeing no reason for such account, they cannot consent to pay it, considering that the late Archbishop was allowed the full income of Bohemia estate to answer the expences of sacred functions. (*Ibid.*, Proceedings of the Corporation, *20 Aug., 1816, 4º*) *See infra*, No. 180, H, 4º.

As, in default of documents, the numbers and data of Marechal do not coincide

C.

(G) Nota 3.

"Et ne Amplitudo Tua iterum a me quaerat quo modo audeam id dicere, affero documentum," etc., etc.[4]

Doleo certissime multum quod Sua Paternitas me cogat hic revelare factum turpissimum. Sed cum iterum atque iterum in sua epistola ad hoc Ill^mi DD. Carroll documentum recurrat, utrum sit fideliter translatum necne, hic non expendam. Dura igitur mihi incumbit necessitas aperto ore dicere veritatem, et tunc S. Congregatio judicabit cujusnam valoris sit praefatum illud documentum.

Marechal refutes the declaration of Carroll against any right in the Baltimore see.

Erat in missionibus Marylandiae Jesuita quidam nomine P. Ashton ebrietatis et impudicitiae vitiis aperte deditus.[5] Ab eo Ill^mus DD. Carroll non solum coactus est revocare facultates, sed etiam eum suspendere a divinis. Sicuti misere vixerat, ita miserrime mortuus est, sex circiter abhinc annis prope pagum Portobacco.[6] Ipsius fama tamquam agricola maxima apud suos fratres erat. In omnibus circumstantiis sese exhibuit tanquam intrepidum defensorem bonorum quae in America nostra possidet Societas.

Gives a character of John Ashton, ex-Jesuit, as occasioning the said declaration.

Jam vero circa finem anni 1789 Ill^mus DD. Carroll recepit bullam, qua nominabatur primus Baltimorensis episcopus. Statim atque hoc nuntium pervenit ad aures famosi P. Ashton, immediate Baltimorem adiit et ab Ill^mo DD. Carroll petiit ut ipsi permitteret legere bullam quam mox receperat; quod ultro permisit Ill^mus praesul.

with the facts, his own citation infra from a document (No. 129, A, 5°) *suffices to correct the statement which follows here, about* $*1200 having been assigned annually to Archbishop Neale. The number should be* $*1000. Later, however, he returns to this same figure,* $*1200, and adds, that "it was the smallest pension ever paid to the Archbishop of Baltimore by the Jesuits." See* No. 137, *letter of Marechal, 17 Oct., 1826, to Card. Fesch. He should have said* $*1000, which was "the largest pension" ever allowed by the Jesuits to an ex-Jesuit archbishop.*

[4] No. 116, D, § 3.

[5] *For the facts of Ashton's life at the date which Marechal here refers to, see* No. 162, A–E, *where, among other estimable antecedents of Ashton, he may be seen recorded by Marechal as having been at that time the chosen preacher of the one Synod so far held in Baltimore. Ashton resigned his faculties in a fit of anger with Carroll and the Corporation, twelve years after the date here noted by Marechal* (No. 162, H). *—As to the insinuation conveyed in Rome of bad faith in the handling of a document which Marechal had passed without criticism in America:* that piece and many others of a similar nature are perfectly familiar to me (No. 181, E), *cf. supra,* Nos. 115, note 36; 116, D, note 24.

[6] *Cf.* No. 162, P–R. *Ashton died, as a secular priest, in the peace of the Lord, 3 Feb., 1815, leaving all his property to the Society and to charitable uses. It is true that, at one time, in 1806 (cf.* No. 162, N, O), *he had attacked the rights of the Jesuits to their landed property, the same which Marechal claims on Ashton's plea. But, at his death, there is no indication whatever, either in the Ashton or Corporation papers, of his having died in the act of assailing any one's name or goods.*

Porro improbus ille sacerdos, observans Summum Pontificem DD^mo Carroll committere officium regendi ecclesiam Baltimorensem tam in spiritualibus quam in temporalibus, administrandi proventus ecclesiasticos, etc., etc., statim contra bullam debacchatus est, tanquam machinam contra bona Societatis ab alio Ganganelli adinventam. Furore vesano abreptus subito reliquit Baltimorem et incepit non solum suis sermonibus sed etiam epistolis hinc et inde missis excitare caeteros patres Societatis ut bullae executioni sese opponerent. Nunc autem Ill^mus DD. Carroll, timens ne suorum fratrum mentes inflammaret et initium suae episcopalis administrationis agitaretur tumultibus, ad Jesuitas multas scripsit epistolas, in quibus ipsis observabat sententiam bullae, Patri Ashton tam obnoxiam, esse meram formulam usitatam in omnibus bullis, neque se vi bullae Pii VI. ullum acquirere jus in eorum bona. Jam vero textus a R. P. Generali adductus sumitur ex una illarum epistolarum Ill^mi DD. Carroll.[7] Quod autem nullius sit valoris in praesenti causa, est evidentissimum. Siquidem illam scripsit Ill^mus meus praedecessor ad confutandam tantam [!] absurdam Patris Ashton bullae interpretationem.

Ashton's interpretation of original Bull erecting see of Baltimore.

The declaration of Carroll was in some private letter, rejecting Ashton's "absurd interpretation of the Bull."

Quin imo si Rev. P. Superior Generalis velit solummodo attendere quo anno epistola, ex qua textus quem asserit deducitur, scripta fuit, tunc ipsemet ultro fatebitur illum textum ne leviter quidem jus archiepiscoporum Baltimorensium laedere. Namque haec epistola scripta fuit initio anni 1790. Porro tunc Ill^mus DD. Carroll non obtinuerat a Jesuitis fratribus suis ut coram supremo senatu Marylandiensi oblationem solemnem facerent bonorum quae possidebant ad perpetuam sustentationem cleri Marylandiensis. Siquidem id contigit anno 1792. Neque contractu privato R. Molineux Sup. Prov. Societatis tunc agnoverat redditus archiepiscopi Baltimorensis esse et debere [8] esse perpetuos, nec

Marechal repeats statements on the Act of Assembly and the Carroll-Molyneux contract.

[7] No. 160; *with the reproduction of the formal document itself from the* Proceedings of the Corporation, *not from any letter of Carroll's. Fr. Leonard Edelen, secretary of the Corporation, had stated in his letter to Marechal (April, 1820), when communicating a copy of Carroll's declaration:* There is an instrument of writing, written and signed by A^h Bp. Carroll's own hand, in possession of the said Trustees, which throws a considerable light upon this subject. *The receipt of this letter was acknowledged by Marechal, April 30, 1820; who, adopting the opinion that the sentence of the Bull* was a mere matter of form, *gave, in a modified shape, the same account as here of Ashton and of Carroll's Bull; but he did not mention the source which would vouch for the authenticity of the story. See* No. 181, D, E. *He himself had been a seminarian at the time, in France.—Marechal reverses this argument later* (No. 124, notes 9, 11).

[8] Et debere: *not in the text cited, which runs:* shall continue perpetual and inalienable. *Cf.* No. 115, § 23, art. 3. *This extension:* et debere, *of the terms used in the Agreement, had appeared already in Marechal's letter to the General,* No. 116, C, 2°, *and was answered implicitly in the analysis of the whole Agreement. Cf.* No. 116, D, §§ 17–24.

The origin of the clause, as it stands in the Carroll-Molyneux Agreement: shall continue perpetual and inalienable, *is found in several different acts of the Select Body of Clergy. One is a resolution, passed prior to the establishment of the bishopric,*

in se susceperat obligationem transmittendi ven. meo praedecessori titulum civilem ad hunc effectum consequendum. Initus enim fuit ille contractus anno 1804 [*1805*]. Verum post solemne decretum senatus Marylandiensis, praesertimque post contractum initum inter se et P. Molineux, numquid Ill^mus Carroll aliquando agnovit neque se neque suos successores habere jus ad portionem bonorum olim a Societate possessorum? Numquam; innixus authoritate tum praefati solemnis decreti tum privati contractus, constanter usque ad mortem suam jus suae sedis et cleri Marylandiensis strenue defendit; constanter judicavit agendi rationem suorum fratrum esse manifestam violationem juris tum publici tum privati.[9]

Carroll always claimed a share of the Society's property for his successors.

Et ego, quamvis potuissem ex bulla Pii VI. non parvi ponderis eruere argumenta, numquid hoc medio usus sum? Legat iterum, quaeso, R. P. Superior Generalis brevem indicem, quem ad eum misi die 18 Januarii,[10] et tunc videbit quod premens vestigia Ill^mi mei praedecessoris et eisdem argumentis quibus usus est et ego utor.

Marechal might quote the Bull.

D.

(H) Nota 4.

"Supponamus tantisper id ita esse; non igitur sola Amplitudo Tua, sed quicumque pertinet ad Clerum Marylandiensem," etc., etc.[11]

Marechal accepts conclusion that all priests at large in Maryland may claim property of the Society.

Certissime quidem clerus Marylandiensis jus habet ad aliquam portionem bonorum quae solemni decreto senatus Marylandiensis consecrata sunt ad ejus sustentationem. Idque cum ven. meo praedecessore DD. Carroll fidenter et sine ulla tergiversatione assero. Partim illud jus Cleri Marylandiensis patres officiales Corporationis, ante restaurationem Societatis,

and changing the Superior's salary from the condition of a mere appropriation at each chapter to a permanent salary of the Superior (*13 May, 1789*). *See* No. 116, C, note 8. *Another is the fundamental Regulation* (No. 168, A, 22º, *4 Oct. 1793*), *as cited ibid.*, No. 116, C, note 8. *A third was a decision passed by a select committee on the Constitution* (*1 Sept., 1797*), *which, in settling a controversy between the Representatives and the Trustees, agreed, among other points defined, that the Trustees might augment or diminish the pensions of clergymen*, provided nevertheless that they never reduce the pension of the Bishop of Baltimore below the sum of two hundred and ten pounds, current money of the State of Maryland, as fixed and agreed on by the 22d. resolve passed by the R. C. Clergy on the 4th day of October, 1793. *See* No. 173, F, 3º *In the original form of the Carroll-Molyneux Agreement, quoted here by Marechal, the bishop had written:* 3º. The annuity allotted to the Bishop from the estates of the Clergy, and now of the Society, and which was declared inalienable and perpetual, previously to the erection of the Episcopal See, shall so remain perpetual and inalienable. . . . *In Carroll's own correction of this Agreement, reducing it to the condition of a mere memorandum* (*cf.* No. 116, D, note 24), *he eliminated the whole passage from* Clergy *down to* See, *substituting* Society or Corporation. *See facsimile of the Agreement*, No. 186.

[9] *Cf.* No. 116, C, note 3. *As to the critical character of this narrative about John Ashton, cf.* No. 162, P, note.

[10] No. 116, A. *Henceforth, Marechal's arguments are chiefly repetitions.*

[11] No. 116, D, § 6.

agnovere. Siquidem suadente Ill^mo DD. Carroll decreverunt, sacerdotes saeculares, qui cum membris Societatis in missionibus laborarent, eosdem recepturos fore redditus ac ipsimet Jesuitae; atque, quando restaurata fuit Societas, idem Ill^mus DD. Carroll, timens ne variis modis praefati officiales omnia bona ecclesiastica exclusive ad usum Societatis diverterent, omni argumentorum genere usus est ut eos induceret ad dividenda omnia bona ecclesiastica, quorum administrationem habebant, in duas partes;[12] unam partem, et quidem pinguiorem, si vellent, Societati restauratae traderent, aliam vero ad sustentationem cleri saecularis Marylandiensis consecrarent; aut si absolute vellent retinere possessionem omnium bonorum ecclesiasticorum, saltem aliquam portionem reddituum applicarent ad sublevandos saeculares sacerdotes aetate aut infirmitatibus confractos pro ratione necessitatis in qua versari possent.[13]

A right admitted by the Corporation in assigning allowances to secular priests while they served Jesuit stations.

Equidem patres restauratae Societatis hanc justissimam mei praedecessoris propositionem rejecerunt. Sed quid inde concludendum? Eos esse aequitatis et moderationis ecclesiasticae amatores?

Jesuits unjust and grasping.

E.

(I) Nota 5.

Sequentes paragraphi epistolae R. P. Generalis tot continent ratiocinia aut omnino falsa aut quae saltem nihil probant, ut, si susciperem ea singulatim confutare, istae notae volumen non mediocre conficerent. Sed ut illorum absolutam vanitatem immediate percipiat S. Congregatio sufficit ut attendere dignetur ad subsequentes generales observationes.

Marechal declines to answer the General's arguments. Will make general observations instead.

Generales observationes.

Saepe evenit in nostra America quod quidam cives a legislatura Provinciarum Foederatarum petant ut ipsi[s] concedatur actus Corporationis, id est ut constituant corpus politicum et ita habeantur coram civilibus tribunalibus. Quando hunc favorem solicitant, in petitione sua tenentur explicare quodnam sit futurae Corporationis suae objectum ac praecipue quemnam finem sibi proponant.

Nature of an Act of Incorporation in America.

Si tum objectum tum finis non adversentur legibus reipublicae et insuper tendant ad promovendam prosperitatem plurimorum civium,

[12] *No trace of this in any document. As to subsidizing other priests, not ex-Jesuit, cf.* No. 168, A, 20., *the fundamental Regulation, by which the constituent meeting of ex-Jesuits* (*4 Oct., 1793*) *authorizes the Trustees of the Corporation to* admit members, recommended by the Bishop, to a participation of the profits of the estates pro tempore, tho' they should not be received as members of the Select Body.

[13] *Cf.* Nos. 147, G, 5º (*supra*, No. 113, J); 163, 2º; 172, D, 2º.

tunc postulatum Actum Corporationis lubentissime concedunt nostri legislatores. Cum Actu Corporationis generatim praefatis civibus insuper transmittunt potestatem sibi efformandi regulas quas judicaverint meliores ad obtinendum finem publicae utilitatis quem declararunt se intendere. Quod si isti cives, post obtentum Actum Corporationis, sibi efformarent regulas non ad obtinendum finem publicae utilitatis ab ipsis enuntiatum, sed ad finem prorsus distinctum aut enuntiato oppositum, tunc isti cives coram tribunalibus civilibus malae fidei rei judicarentur et omnibus juribus, quae per Actum Corporationis acquisierunt, spoliarentur.

Nunc videamus quomodo patres Societatis sese gesserint, postquam ipsis concessus fuit Actus Corporationis a legislatura Marylandiensi.

Anno 1792, duce Ill^mo DD. Carroll, adierunt senatum Marylandiensem et coram hoc supremo tribunali solemniter declararunt se tanquam privatos cives bona multa possidere ad pios usus a donatoribus destinata; se paratos esse haec omnia bona in communem massam projicere ad perpetuam sustentationem ministrorum ecclesiae Romanae Catholicae Marylandiensis; ideoque humiliter petere ut Actus Corporationis ipsi[s] concederetur.[14]

The ex-Jesuits, 1792. Repetition of original statements: a "common mass," and a dedication thereof to Maryland clergy.

Cum objectum et finis hujus petitionis legislatoribus optima viderentur, et insuper cum jam multis protestantium societatibus favorem similem ei qui a catholicis solicitabatur jam concesserant, huic petitioni lubenter suum assensum praebuere.

Et non solum Actum Corporationis postulatum concessere, sed insuper, uti mos est receptus, oratoribus potestatem contulere sibi efformandi regulas ad meliorem horum bonorum administrationem et ad securius obtinendum finem propositum, nempe sustentationem Romanae catholicae ecclesiae in Marylandia ministrorum. (Vide contextum Actum Corporationis.)

Porro paulo postquam PP. Societatis praefatum Actum Corporationis obtinuerint, convenerunt; ni fallor, unus aut duo sacerdotes saeculares huic conventioni praesentes fuere.

Discussione igitur omnium propositum fuit condere regulas ad meliorem Corporationis administrationem. Sed tunc summa confusio inter eos statim locum obtinuit. Quidam requirebant ut officiales Corporationis statim atque eligerentur juramento secreto sese obligarent transmittere omnia bona Corporationis Societati Jesu, si forte aliquando restitueretur; alii vero existimantes hanc regulam tamquam evidenter contrariam litterae et spiritui decreti senatus Marylandiensis, eam procul esse rejiciendam opinabantur. Ita inter alios eam fortiter impugnavit Ill^mus DD. Carroll ac usque ad suam mortem constanter rejecit. Plurimi proposuerunt ut

The by-laws of the Corporation.

[14] *For the matter of these repetitions, see the Nos. cited supra in notes to* No. 115, § 9, *seqq. For the amplification of the charges here following, see infra, passim.*

statueretur eos qui praesentes erant huic conventui exclusive constituere clerum Marylandiensem, et quod nullus sacerdos saecularis, quamvis laborans in Marylandiae missionibus, censendus esset membrum cleri Marylandiensis, nisi majoritate votorum praesentium membrorum ita prius declararetur. Hinc contendebant praesentem conventum et subsequentes denominandos esse Corpus Electum Cleri Marylandiensis. Nonnulli conati sunt suadere patribus Societatis, qui titulum civilem habebant in bona ecclesiae quae tum ab Ill^mo^ principe Baltimore, tum ab aliis piis viris donata fuere, ut declararent finem donatorum fuisse ut ea possideret Societas eisque prout libuerit in perpetuum uteretur. Isti et multi alii similes articuli propositi sunt tanquam permanentes regulae quibus regeretur futura administratio Corporationis cleri Marylandiensis. Eorum admissioni strenue obstitit Ill^mus^ DD. Carroll cum paucis aliis olim suis sociis et fratribus. At, cum pluralitate votorum omnium in hoc conventu concluderetur, fatendum est maximam partem illorum articulorum fuisse admissam et decretam tamquam regulas Corporationis. Huic irregulari prorsus suorum fratrum agendi rationi, quamvis ipsi molestissima, ven. meus praedecessor opposuit tantum argumenta ex pietatis, justitiae et christianae moderationis principiis deducta. Cum namque nullam spem ipse tunc nutriret restaurationis Societatis, praevidebat ante paucos annos Corporationem hanc necessario fore constituendam ex saecularibus sacerdotibus, et consequenter finem decreti senatus Marylandiensis se tandem obtenturum fore. Atque quando anno 1804 R. P. Superior Generalis Gruber direxit ex-Jesuitas Americanos ut iterum in antiquam Societatem sese adunirent, iterum ac cum novo ardore mentis laboravit idem Ill^mus^ DD. Carroll ut pars aliqua bonorum, quae P. Societatis officiales Corporationis possident, consecraretur ad sustentationem tum suorum successorum tum cleri saecularis Baltimorensis. Illud fuit ipsi obstinaciter denegatum;[15] et haec est praecipua ratio cur, quamdiu vixerit, nunquam voluit intra suam dioecesim agnoscere existentiam restauratae Societatis.

The name: "Select Body of the Clergy of Maryland."

An irregular set of articles passed as by-laws.

Carroll expected these ex-Jesuits to die out.

1804–1815. Carroll, failing in his plans, would never acknowledge the Society as existing in his diocese.

His praemissis nunc manifeste S. Congregatio percipere potest absolutam vanitatem ratiociniorum, quae longa serie in sua epistola adducit R^mus^ P. Superior Generalis; siquidem nituntur authoritate illorum articulorum, qui non solum conditi sunt contra mentem decreti senatus Marylandiensis, sed insuper adversantur dictamini naturalis et ecclesiasticae aequitatis.[16]

The premises will serve as an answer to the General's arguments.

[15] *Cf.* No. 115, § 24, note 40.—*The authenticity of this relation is not apparent.*

[16] *For the matter of history in these paragraphs, see infra*, Sections IV., V., Nos. 159–179. *Bishop Carroll, as a Trustee of the Corporation, was bound to swear at the*

F.

(L)

Nota 6.

Marechal refutes the declaration of the Trustees.

Non possum his notis finem imponere quin pauca dicam de textu quodam quem adduxit R. P. Sup. Generalis et quem deprompsit ex epistola, quam paucis abhinc mensibus ad me scripserunt officiales Corporationis. His verbis incipit: Declaramus nos legitime et juste possidere omnia bona olim et ante suam suppressionem possessa [*a*] Societate Jesu, etc., etc., etc.[17]

Deer Creek.

Primo referam factum quod huic epistolae scribendae dedit occasionem. Pius catholicus, nomine Thomas Shea, anno 1754, dono dedit R. P. Benedicto Neale praedium suum ea intentione ut missionarius, qui raro admodum pauperes catholicos comitatus Harfordiensis visitabat, posset inter eos permanere et vivere.[18] Octo circiter abhinc annis officiales Corporationis, qui titulum civilem illius praedii possidebant, illud vendiderunt, atque, suadente Ill^mo DD. Carroll, pretium ejus deposuerunt in Banca Statuum Foederatorum (*dans la banque des Etats Unis*).[19] Per sex annos missionarius comitatus Harfordiensis percepit annuale interesse principalis, id est 200 nummos Americanos.

Verum circa finem anni 1820 procurator Societatis secreto venit Baltimorem et sustulit a Banca principale. Quid de hac pecuniae summa evenit nescio.[20] Statim atque missionarius comitatus Harfordiensis de hoc audierit, apud me graviter questus est se nunc destitutum remanere rebus ad vitam necessariis. Immediate scripsi ad superiorem Societatis Provincialem R. Antonium Kohlmann. Ille me remisit ad officiales Corporationis, caeteroquin me certum faciens istos officiales sine dubio huic missionario soluturos fore interesse pecuniae a procuratore Societatis sublatae.

beginning of each triennial term, and with the other Trustees subscribe to the oath, that we will truly and faithfully execute the trust reposed in us, according to the true intent and meaning of the Regulations adopted, or to be adopted, by the Ministers of the Roman Catholic Church, for the management of their estates and temporalities.- *See formula of the oath*, No. 168, C. *His autograph signature to this formula, taken before a Justice of the Peace, is seen in the* Proceedings of the Corporation, *13 Oct., 1802, 4 Oct., 1808, 22 April, 1812, 29 June, 1815, this last being the year in which he died. At the commencement of his second term, he was absent from the meeting of 21 Nov., 1805, when the oath was taken by the other four Trustees; and the minutes of the next meeting, 9 Sept., 1806, do not record his fulfilment of the condition. But that he must have taken the oath is clear since, without this qualification, his presence and action at the Board would be illegal, according to the terms of the Charter* (No. 164, [*III.*], [*IV.*]), *which enjoined the observance of the Regulations* (*cf.* 168, A, 24, *by-law prescribing the oath*). *Cf.* No. 119, note 12.

[17] No. 116, D, § 26.

[18] *Cf.* Nos. 73, 84.

[19] *Cf.* Nos. 87, 88.

[20] No. 88, B, E.—Secreto venit, sustulit; *infra*, sublatae, sacrilegii, scandali; *and so passim in seqq.: these appellations and epithets invite a comparison with the statements and acts of Archbishop Carroll, whom the writer, apparently without knowing it, is assailing here as in other parts of his documents. See* No. 87, E–O.

Interim pauperes catholici comitatus Harfordiensis collegerunt scripta testimonia a multitudine personarum utriusque sexus, quibus affirmabatur tanquam factum notorium et publicum T[*h*]omam Shea donasse suum praedium R. P. Benedicto Neale, non ut ad Jesuitas transmitteret, sed ut in perpetuum inserviret sustentationi missionarii Harfordiensis. Inter haec testimonia plurima reperiebantur virorum catholicorum Baltimorensium sua pietate, integritate et aetate insignium.

Certificates on past history.

Misi haec omnia testimonia patribus Societatis qui, uti antea observavi, sunt officiales Corporationis. Verum isti carpentes in illis testimoniis quasdam nullius momenti variationes (mire enim consentiunt quoad substantiam facti) ea rejecerunt ;[21] atque innixi titulo civili, quem prae manibus habent, ad me scripserunt epistolam ex qua eruitur textus a P. Generali supra adductus.[22]

Verum tanta est mea veneratio erga hunc optimum virum, ut non possim credere, statim atque melius cognoverit suorum subditorum in hac circumstantia deplorabilem agendi rationem, se eis fore patrocinaturum ; quin imo credo sub gravissimis censuris eos fore coacturum ad reparationem tum sacrilegii quo rei sunt, tum scandali quod praebuerunt fidelibus.[23]

The "sacrilege" and "scandal" of the Jesuits.

Propaganda Archives, Acta Sacrae Congregationis de Propaganda Fide, anni 1822 (Baltimori) ; Sommario, Num. V.—*Baltimore Diocesan Archives*, 22, D, 13 ; *Marechal's autograph draft, 4 ff.*

No. 118. 1822, (March—May).

The General's Report to the Propaganda, on the two subjects of controversy. §§ 1–13, *on temporalities;* §§ 14–17, *on jurisdiction ;* § 18, *conclusion.*

Numero II.

Informazione del Preposito Generale de' Gesuiti alla S.C.

Affine [1] di mettere la S. Congregazione in istato di meglio giudicare delle pretese mosse da Monsignor l'Arcivescovo di Baltimore sopra parte del reddito de'beni della Compagnia di Gesù del Maryland, è duopo premettere 1° quale sia l'origine di questi beni ; 2° in qual modo i gesuiti

[21] No. 89, D, E, F.
[22] *Cf.* No. 89, F.
[23] *Cf.* Nos. 84–89.

[1] *Note in Dr. J. G. Shea's hand on his own copy of this document, Georgetown College MSS. and Transcripts, Marechal Controversy :* "Cette pièce romantique a été faite par C. [*le ?*] P. Grassi.—Elle a été furtivement remise au Card. Fontana. Le Père Fortis Général de la Société a constamment refusé de la reconaître et de la signer.—Autograph note of Abp. Marechal on printed page" [*viz. of the* Sommario (*in the Baltimore Diocesan Archives ?*)]. *So far Dr. Shea. The basis of fact for this gloss is that the Father General did decline to sign this document, for the reason mentioned by him to the Secretary of the Propaganda. The rest of the facts stated are incorrect. It was not submitted furtively ; and Father Fortis did not refuse to recognize it. This is evident on the face of the* Sommario, *which*

ne siano attualmente in possesso e qual uso ne facciano ; 3º come sia proveduto alla sussistenza de'vescovi negli Stati Uniti.

[*Parte Prima.*]

§ 1. Verso l'anno 1632 varj gesuiti Inglesi accompagnarono una numerosa colonia di Cattolici, i quali con Milord Baltimore andarono a stabilirsi nel Maryland.[2] Ogni individuo di questa colonia, in seguito al diritto concesso da S. M. Britannica, prese possesso di una data quantità di terreno ; i gesuiti usarono di questo commun diritto ; ed ebbero il possesso de'terreni, che sono i medesimi che godono in oggi. Col decorso del tempo poi essi acquistarono altre terre adjacenti per via di compra legale ; finalmente alcuni terreni furono loro dati da particolari benefattori pel servizio di quelle missioni. E duopo osservare che a motivo delle leggi Britanniche i gesuiti non potevano posseder terreni come religiosi, ma soltanto come individui, e perciò erano costretti di tramandarne il possesso legale per via di testamento a gesuiti che lor succedevano nelle missioni, i quali erano loro eredi fiduciarj.

I. Temporalities. Origin of Jesuit property by plantation, purchase, donation. Mode of transmission.

§ 2. Seguita nel 1773 l'abolizione della Compagnia di Gesù, i missionarj del Maryland restarono come preti secolari al servizio di quelle missioni e continuarono a possedere i loro beni. Quel paese essendosi poi eretto in repubblica, e cessando d'essere in vigore le leggi contro i Cattolici, quegli exgesuiti, de'quali soli era composto il clero degli Stati Uniti, e segnatamente del Maryland, pensarono a garantire il loro bene da un pericolo che temevano.[3] Infatto, se un exgesuita possessore fiduciario di que'terreni fosse morto intestato, i di lui parenti in forza delle leggi civili avrebbero potuto appropriarseli. Pertanto il P. Giovanni Carroll, exgesuita, e poscia primo Vescovo di Baltimore, unito agli altri exgesuiti, chiesero ed ottennero dalla nuova Legislazione del Maryland un ampio decreto, ossia Atto col quale si erigeva una Corporazione ossia associazione legale del clero cattolico di quella provincia. In quest'Atto l'autorità

The Suppression. Legalizing the mode of transmission by incorporation.

comprises a selection from the documents submitted to the Propaganda ; and these, as the Secretary stated to the General, must all be authentic, or they are not entitled to be considered. The General's presentation of the document, even without his signature, was clearly sufficient, as appears from the fact of its insertion in the Sommario. *And that it was accepted from the General as authentic is also clear from the title prefixed to it here in the* Sommario : Numero II. Informazione del Preposito Generale de'Gesuiti alla S.C. *As Shea's note intimates that Marechal wrote his gloss just where Shea places it, the same page of Marechal's copy bore the gloss and the official title which contradicted the gloss. See* No. 121, H, *Pedicini, Secretary of the Propaganda, 22 May, 1822, to Father Fortis, General ; Ibid.*, J, *Fortis, 24 May, 1822, to Pedicini. Cf. Georgetown College Transcripts, Shea's abstracts, 1822, Pedicini, 25 May, 1822, to Marechal : the General of the Jesuits refused to sign the papers submitted to him. The same letter of Pedicini* (No. 121, H) *says expressly, that it will suffice if the General "return the documents, accompanied by a note." So the General did, explaining at length the character of this* Informazione. *See* No. 121, J.

[2] *Cf.* No. 119 [*I.*].

[3] *Cf.* No. 143, *and seqq. passim, in Carroll's papers. Cf.* No. 119, [*II*].

si dava agli oratori di far essi medesimi entro un dato tempo gli opportuni regolamenti per la retta amministrazione de'beni, che si mettevano sotto la salvaguardia delle leggi per l'oggetto a cui erano destinati.[4] Gli exgesuiti così autorizzati si unirono insieme e fecero i proposti regolamenti, ossia Statuti della Corporazione, la quale a norma di quelli deve essere composta di cinque Trustis ossia Capi-amministratori, de'Rappresentativi e del Corpo Scelto.[5] I Rappresentativi sono membri della Corporazione, eleggono i Trustis di sei in sei anni e danno il lor voto, quando si tratta di alienare qualche fondo o reddito. Il Corpo Scelto è composto di quelli che, essendo membri della Corporazione, hanno diritto di partecipare ai vantaggi della medesima. Quei soli possono essere membri della Corporazione, i quali hanno il diritto di cittadinanza degli Stati Uniti e sono ammessi dai Trustis.

§ 3. Il XVI.[6] de'sopramemorati regolamenti ossia Statuti dichiara e determina che, se mai la Compagnia di Gesù venisse ad essere ristabilita, sarà obbligo dei Trustis della Corporazione di usare ogni sforzo di far rientrare i gesuiti al possesso dei beni assicurati coll'Atto ossia decreto sopradetto, e perciò i gesuiti debitamente qualificati doversi ammettere a preferenza d'ogn'altro nella Corporazione.[7] Notisi che i Trustis, entrando in carica, devono far giuramento avanti il civil Magistrato d'osservare gli Statuti della Corporazione, e per consequenza giurarono di mantenere anche questo XVI.[8]

By-law of the Corporation, sworn to: restoration of the property to S.J.

§ 4. Sino dall an. 1806 il defunto P. Generale Brzozowski,[9] a richiesta di Monsignor Carroll, mandò varj gesuiti dalla Russia in America, i quali, dopo aver avuto il legale diritto di cittadinanza, furono fatti membri della Corporazione posseditrice de'beni, che lo stesso Monsignor Carroll scriveva dover ritornare alla Compagnia. In questa guisa nel 1814, epoca del ristabilimento universale della Compagnia, la Corporazione trovossi composta quasi di soli gesuiti o nativi o forastieri. Dissi quasi, perchè, tardando lo sperato ristabilimento, furonvi ammessi anche de'preti secolari, i quali peraltro a quell'epoca (e molto più adesso) per la maggior parte erano morti, o avevano abbandonata l'America. Pertanto, essendo purificate tutte le condizioni expresse ne'legali Statuti,[10] i gesuiti sono ora in legitimo possesso di que'beni, e li posseggono come gesuiti in forza dello Statuto XVI. e come membri della Corporazione, perchè essa è composta di soli gesuiti.

Re-establishment of the Society. The Corporation a Jesuit body. 1806-1814.

[4] *Cf.* No. 119, [*III.*].

[5] *Cf.* No. 119, [*IV.*]. *Cf.* No. 116, D, § 14º, note 19. *Ibid.*, notes 15-20, *for references to documents on this rehearsal of the case. What follows here:* sei in sei anni, *should be "tre in tre anni."* *Cf.* No. 168, A, 6º.

[6] *Cf.* No. 119, [*V.*].

[7] No. 168, A, Regulation 16º

[8] *Ibid.*, Regulation 24º *Cf.* No. 119, note 12.

[9] *Cf.* No. 119, [*V.*].

[10] *Cf.* No. 119, [*VI.*].

§ 5. In primo luogo conviene osservare che i redditi de'beni della Corporazione nel Maryland sono assai minori di quelli che molti Europei si promettono, considerando la sola estensione del terreno.[11] Questo, attesa la scarsezza delle braccia, talora rimane incolto o è malamente coltivato, sicchè il prodotto non di rado basta a stento a mantenere gli schiavi che, all'usanza dell'America meridionale [*settentrionale?*], ne sono gl'agricoltori. I religiosi poi, dovendo trattare bene quella povera gente, non ne cavano il vantaggio, che ne hanno spesso i secolari co'risparmj sordidi che fanno sul mantenimento degli schiavi.[12] Le entrate dunque, che sono raccolte, s'impiegano da'gesuiti a soddisfare gl'obblighi annessi, se ve ne sono, e in oggetti proprj del loro Instituto.

Extent and use of the estates.

§ 6. S'impiegano 1º al mantenimento de'PP. missionarj e di varj preti,[13] che essi mantengono nelle loro missioni. Alcuni di questi preti hanno per qualche tempo ricevuta gratuitamente la loro educazione nel collegio de'gesuiti.[14] Questi providero finora i missionarj di vitto, vestito e talora di cavallo indispensabile per le grandi distanze, e inoltre de'vasi sacri, apparati, vino, candele, etc.[15]

Resources spent, 1. on the missionaries, regular and secular.

2º Al mantenimento del collegio di Georgetown, sobborgo della città di Washington, collegio fabbricato[16] dagli exgesuiti con denaro ricavato dalla vendita d'un ampia possessione, che già apparteneva alla Compagnia.[17] Questo collegio ha nove professori, due prefetti, fratelli coadjutori 17, oltre i superiori, come è d'uso. Il collegio poi, avendo i diritti di università, deve fare spese estraordinarie per macchine, esperienze, libri,[18] etc. Finalmente, mantiene

2. On Georgetown College.

[11] *Cf.* No. 119, [*VI.*].

[12] *Cf.* Nos. 46; 114, F–K.—In 1817 *McElroy, procurator of Georgetown College, to which was allowed a subsidy from the estates* (*cf. infra*, § 6, 2º), *observes in his Diary of the College:* Sept. 24. All that was received for the College from all the plantations this season—$180! (*McElroy Papers, Georgetown College Diary, under date.*)

[13] No. 119, [*VII.*].

[14] *Cf.* Nos. 174, 175.

[15] *Cf.* Nos. 173, 176, 177, 179, 180, 181, G, 5º

[16] *Cf.* No. 119, [*VIII.*].

[17] *Cf.* Nos. 119, [*IX.*]; 78; 158, A, 5º; 170, K, 3º, M, 1º, N.

[18] *Cf.* No. 119, [*X.*].—Mantenerne un solo, *in the next sentence. The writer should rather have said:* "*mantenerne due.*" *Amid the divers gratuitous or semi-gratuitous scholarships granted by the College to students, there were two founded by the liberality of patrons in the course of the first twenty-four years. The Eyck* (*Eck*) *foundation of £600 appears in the Agent's books as early as 1797, and was used successively in favour of White of Boston, John Weeks, Rogers, Ben. Wheeler, William Lambert, none of whom, however, as McElroy observes in 1814, had* as yet succeeded for the ecclesiastical state. (*Md.-N. Y. Province Archives, carton DB, Agent's Cash Book, 1793–1806, p. 5, 9 Dec., 1797. Ibid., Carroll's letters, passim, 1807–1814, Nos. 79, 87, 152, 153. Ibid., McElroy's Papers, Diary of Georgetown College, 10 Apr., 1814.*) *Another foundation had been realized in Grassi's own time, that of Mr. Henry Darnall, Frederick County. It was a fund of* $3,666, being the amount of a fund intended to produce $220 per annum, for the perpetual support of a student at this College. *The will was made in Nov., 1809; but the estate was settled only in 1814.* (*Ibid., McElroy's Papers, Diary, 2 Nov., 1814.—Georgetown College Transcripts, 1809, Nov.:*

gratis o quasi gratis più giovani ben disposti per lo stato ecclesiastico, mentre d'obbligo non è tenuto che a mantenerne un solo. Ora tutte queste cose ridondano in vantaggio di Monsignore l'Arcivescovo e della sua diocesi.

3. On the scholasticate at Washington.

3º Al mantenimento della casa [19] dello studio di teologia pei giovani gesuiti. Questa casa è in Washington capitale degli Stati Uniti, e gli studenti della Compagnia vi sono molto utili coll'insegnare il catechismo.[20]

4. On the novitiate.

4º Al mantenimento del noviziato. Questo dura due anni, e perciò la spesa che porta è doppia di quella, che occorre negl'altri Ordini: i novizj, secondo le regole della casa, nulla pagano per entrarvi.

5. On the scholastics in Rome.

5º Al mantenimento di varj studenti gesuiti, che fanno il corso de'loro studj in Roma. Attualmente ve ne sono otto, sette de'quali sono nativi dell'America stessa. Chi ben conosce quel paese, facilmente converrà, esser questo il migliore, e forse l'unico mezzo per formare colà un clero nazionale e per instabilirvi solidamente la religione cattolica.

6. On paying off debts.

6º All'estinzione di debiti considerabili fatti, perchè alle sovraccennate spese non bastarono i redditi ordinarj. Il solo interesse, che pagasi pel capitale, con cui fu comperata la casa ad uso di convitto di Nova York, monta ad annui scudi 800.[21] Dal detto quì sopra è evidente che i gesuiti non sono si ricchi come taluno pretende. Allorchè il Card. Litta parlava su questo proposito a un gesuita venuto dall' America e udì questa circostanza dei debiti, ne restò altamente sorpreso e non volle che più si parlasse delle pretese ricchezze de'gesuiti di colà.

7. On subsidizing Mgr. Marechal of Baltimore.

7º Finalmente (sebbene con grave incommodo) si pagano annui scudi 500 all'attual'Arcivescovo di Baltimore, e i Trustis hanno promesso di continuargli questo soccorso fino a tanto che sia ufficiata la chiesa cattedrale di Baltimore.[22]

§ 7. Quest'ultima circostanza mi porta ad accennare il modo, con cui ordinariamente sussistono i vescovi cattolici negli Stati Uniti d'America.

The mode of maintenance for bishops in U.S.: by pew-rent, etc.

Colà ogni famiglia cattolica (eccetto nelle chiese de'gesuiti) paga una somma di più scudi per l'uso del banco nella chiesa; e queste somme raccolte servono al mantenimento del clero e della chiesa. Nella distribuzione del qual reddito si ha il dovuto particolar riguardo al vescovo, il quale in certi luoghi, come a Nova York e forse anche a Filadelfia, riceve più di mille scudi oltre gran quantità d'incerti. In Baltimore le circostanze sono

extract from a letter to Archbishop Carroll written by some one who, with Lawyer Key, had assisted Mr. Darnall, 6 Nov., 1809, in making the will.)

[19] *Cf.* No. 119, [XI.].
[20] *Cf.* No. 188.
[21] *Cf.* No. 109, B.
[22] No. 180, Q, 3º

favorevolissime all'arcivescovo, mentre il numero de'cattolici è considerabilissimo, la cattedrale può contenere un numero di banchi maggiore di quello d'ogn'altra chiesa, e finalmente perchè l'arcivescovo ha tutti i sacri apparati vescovili, la libreria, i mobili della casa e il reddito di qualche casa affittata, cose tutte lasciate da Monsig. Carroll pe'suoi successori.

§ 8. Ora veniamo alle ragioni sulle quali l'attual'Arcivescovo di Baltimore appoggia la domanda, che fa ai gesuiti d'una annua pensione:

Marechal's plea: 1st reason. His two predecessors, ex-Jesuits, received maintenance from Jesuit funds.

Ia Ragione. Dalla Corporazione fù sempre data un'assegnamento a'vescovi suoi predecessori: Monsig. Carroll ebbe l'usufrutto d'una tenuta, e Monsig. Neale una somma annua di denaro.

In risposta si fa riflettere che non vi sono ora le stesse ragioni di ciò fare che vi furono pe'due arcivescovi Carroll e Neale. Questi erano ambidue exgesuiti; avevano perciò un vero diritto a qualche assegnamento sui beni della soppressa Compagnia; e questo fu accordato in Italia, in Ispagna e altrove. I citati monsignori col divenir vescovi non perdettero i diritti che avevano come exgesuiti. I Trustis furono con essi più liberali, a motivo de'loro meriti singolari, avendo prima assai faticato in quelle missioni. Monsignor Carroll fu il primo e per lungo tempo l'unico vescovo di tutti que' vastissimi paesi ora divisi in otto diocesi; doveva perciò aver delle spese estraordinarie, e i soli viaggi ne dovevano cagionare di molto gravose. I fideli avvezzi ad aver gratis da gesuiti tutti i soccorsi di religione difficilmente si sarebbero prestati a contribuire alle dette spese, etc.

Finalmente questa pensione fu accordata e promessa, quando non v'era nè collegio, nè noviziato, nè casa di studj de'gesuiti da mantenere, come v'ha ora.

§ 9. La cosa però, che sembra decidere ogni questione, è lo scritto tuttora esistente di proprio pugno da Monsignor Carroll ad instanza della Corporazione, prima che ad esso fosse assegnato l'usufrutto della cosi detta tenuta di Boemia; e in sostanza viene a dire come segue:

Carroll's written declaration against any claim of his Baltimore see.

"Io Giovanni Carroll collo scritto presente dichiaro qualmente, in virtù del breve con cui SS. Pio VI. erigge Baltimore in sede vescovile, io come Vescovo di questa diocesi non ho alcun diritto a nessuna parte de'beni già lasciati pel mantenimento de'gesuiti missionarj in questi Stati."[23] Egli è vero che il prelodato arcivescovo chiese per se e pe'suoi successori che l'anzidetta tenuta fosse assegnata in perpetuo[24] all'Arcivescovo di Baltimore, ma incontrò una insormontabile opposizione da alcuni Trustis e da'Rappresentativi della Corporazione, i quali memori del loro giuramento e dello Statuto XVI. dichiararono di non poter ciò fare.

[23] No. 160, C, *and facsimile, ibid.*
[24] *Cf.* No. 186, *attempted contract with Molyneux*, § 3.

Inoltre Monsig. Neale, coadjutore di Monsig. Carroll cum jure successionis, sentendo parlare in quell'adunanza di assegnamento perpetuo agl'arcivescovi successori, si levò e dichiarò che egli rinunciava a questa perpetuità d'assegnamento. E di più allorquando nel 1815 successe nell'arcivescovato [*a*] Monsignor Carroll, volle che la Compagnia ripigliasse la tenuta, di cui il suo antecessore avea goduto l'usufrutto; e ciò a scanso d'ogni pretesa che qualche arcivescovo potesse movere. Monsignore poi contentossi dell'assegnamento fattogli da'Trustis come a distinto membro della Corporazione, alla quale Monsignor Marechall non è mai appartenuto nè appartiene.

Mgr. Leonard Neale against diverting Jesuit funds to the use of the Baltimore see.

§ 10. II[a] Ragione. Il P. Molyneux, primo superiore de'gesuiti in America, obbligò se, e i suoi successori, a pagare a Monsig. Carroll e a'di lui successori la pensione che il prima godeva. Così Monsig. Marechall.

Marechal's plea: 2nd reason. Molyneux, the Jesuit superior, obliged himself to pay all archbishops a pension.

A questo si risponde che il P. Molyneux, allora infermo e di forze e di testa, fece una tal promessa senza avere la competente autorità di farla, o si consideri egli come gesuita o come membro della Corporazione. In questa seconda capacità egli non poteva agire in nulla senza i Trustis e i Rappresentativi, ed è certo che questi non mai furono richiesti da esso del loro consenso, e mai non l'ebbe nè l'avrebbe avuto, stante il giuramento d'osservare gli Statuti. Questa promessa del P. Molyneux non fu nemmeno communicata a quei della Corporazione o della Compagnia, a'quali avrebbe dovuto notificarla, e rimase scritta in un foglio che trovossi tra le scritture di Monsig. Carroll. Oltredicchè nel 1805 la Compagnia non possedeva que'beni, nè alcun gesuita [25] exercitava la minima influenza nella distributione di que' redditi; tutto dipendeva dalla Corporazione. Come mai poteva dunque il P. Molyneux obbligare se e i suoi successori a pagare a'futuri vescovi una pensione col reddito de'beni che non possedeva, o alienare redditi de'quali non poteva disporre? Nemmeno poteva il P. Molyneux come gesuita ciò fare. Ognuno sa che un semplice superiore di missioni non può alienare beni appartenenti ad un corpo religioso; e il P. Generale, nella patente che gli mandò, gli negava espressamente, come è l'uso nella Compagnia, la facoltà,[26] e gli proibiva

Molyneux incompetent to promise. No promise ever reported.

[25] No. 113, p. 369.

[26] *The formula in the Letters Patent of the General Thaddeus Brzozowski, Petropoli (St. Petersburg), 22 Feb., 1806, to Father Robert Molyneux, already nominated by Bishop John Carroll, under authority from the General, but now confirmed in his office as Superior of the Maryland Mission* (in foro interno), *with the powers of a Rector (not Provincial), runs as follows:* Et omnem auctoritatem, gratias et facultates quae rectoribus regulariter concedi solent, et nominatim circa instrumentorum tam procurationis quam contractuum quorumlibet celebrationem, non tamen alienationum aut obligationum seu gravaminum, quae Societas ipsa subire debeat, tibi ad commodiorem hujus muneris functionem, in nomine Patris . . . conferimus.—*Md.-N. Y. Province Archives, folio Record Book I.; a copy. The Letters Patent for Father*

di alienare qualunque siasi stabile, o reddito de'beni lasciati alla Compagnia per lo Statuto XVI. Lo stesso Monsig. Carroll non parlò mai di tal promessa fattagli dal P. Molyneux.

§ 11. III^a La III^a ragione, colla quale Monsignor l'Arcivescovo cerca far valere la sua dimanda, è il titolo stesso dell'Atto di quel governo, con cui fu eretta la Corporazione. Il titolo è come segue: Atto per assicurare certi terreni e proprietà pel mantenimento e per gl'usi de'Ministri della Religione Cattolica Romana.[27]

Marechal's plea: 3rd reason. Maryland Act of Incorporation.

In risposta conviene far attenzione che il governo con questo decreto non da alcun bene al clero cattolico, nè ordina che i beni d'alcuni individui sieno applicati ad alcun uso particolare; ma con questo decreto erigge una Congregazione d' individui possidenti in fiducia de'beni, li autorizza a formare essi stessi gl'opportuni statuti per ben regolare la Congregazione, e a dichiarare chi fossero quelli in cui favore i detti beni erano stati lasciati in fiducia. Ora questi possidenti in fiducia dichiararono nello Statuto XVI. che quei beni erano di pertinenza della soppressa Compagnia di Gesù, e che que'beni erano lasciati pel mantenimento degli exgesuiti, e che dovevano tornare alla Compagnia di Gesù, qualora fosse ristabilita; che gli exgesuiti potevano legalmente sostituire altri sacerdoti agli exgesuiti morti, ammettendogli nella Congregazione, nella quale solamente potevano partecipare di diritto a'redditi della medesima; e finalmente dichiararono che chi non era di questo Corpo Scelto non aveva alcun diritto a quei beni. Ora tutto questo fa vedere che l'intenzione del governo altra non era se non di assicurare certi terreni e proprietà per quelli in favor de'quali erano stati lasciati in fiducia; di assicurarli perchè servissero alla primitiva loro destinazione e non passassero ad altre, con pregiudizio di quelli che vi avevano un titolo. In somma l'Atto del governo dichiara legale il titolo di possesso, il qual titolo prima non era riconosciuto dalla legge.[28]

Meaning of the Act: legalizing an actual possession in trust.

Charles Neale, 18 June, 1821, are a little fuller: Et omnem auctoritatem, gratias et facultates, quae superioribus ordinarie concedi solent, et nominatim circa instrumentorum tam procurationis quam contractuum quorumlibet, domos et loca Societatis nostrae in eadem America concernentium, celebrationem (non tamen alienationum aut obligationum, seu gravaminum, quae vel domus vel loca vestra, vel Societas ipsa subire debeat) tibi . . . conferimus. *Ibid.; a copy in Father Dzierozynski's hand.*

[27] No. 164.

[28] *The precision of statement here and elsewhere, not to mention the Italian style, lends colour to Mgr. Marechal's annotation* (*supra*, p. 434, note 1), *that Father Grassi, who had been Superior in Maryland, was the compiler of this paper. In fact, we do not find any Rozaven draft of it in the General Archives.*

However, instead of citing Statute XVI. for the declaration of trust on behalf of the Society, the writer should have quoted the Declarations themselves (No. 167; *3 Oct., 1793*), *which Statute XVI. merely supposes, as is expressly stated in the preamble to the said Statutes or fundamental Regulations of the constituent meeting* (No. 168, A; *4 Oct., 1793*). *The action of the legal possessors, Walton, Molyneux, and Ashton, in making their authentic Declarations of Trust under oath, was adduced in the preamble of the Act of Assembly, 1806* (No. 165, B, [II.]; *28 Jan., 1806*), *as having adequately fulfilled the condition imposed by the Charter* (No. 164; *23 Dec., 1792*), *and*

Monsig. Marechall sa bene che gli exgesuiti nel 1793 non potevano dare alla proposta Congregazione altro titolo che quello di Clero del Maryland. In fatti sino alla soppressione o, a meglio dire, sino allora, il clero d'America era stato ed era composto di soli gesuiti o exgesuiti esclusivamente, sicchè era la stessa cosa dire Prete, o Missionario, ovvero Gesuita o Exgesuita. Monsignore sa benissimo ancora che altro è essere uno del clero del Maryland ed altro è essere della Congregazione del Clero della stessa provincia. Non ogni sacerdote ivi esistente appartiene a questa, ma que'soltanto che vi sono ammessi a norma degli statuti. Cosi i Preti di S. Sulpizio sono una porzione edificante del clero del Maryland ; ma nessuno sognò mai che essi sieno della Corporazione di quel Clero ; e lo stesso Monsig. Marechall lo è mai stato ; e chi non è membro della Congregazione non ha alcun diritto a'beni della medesima.

Meaning of the name "clergy" in 1793, when ex-Jesuits were only clergymen, and almost the only clergymen.

§ 12. IV^a. Monsignor l'Arcivescovo asserisce che porzione considerabile de'beni ora posseduti da'Gesuiti fu lasciata pel bene generale della religione, e che egli come capo del clero ne deve partecipare.

Marechal's plea : 4th statement. Assertion of trusts in favour of religion. White Marsh.

Si risponde che la sola tenuta di White-Marsh è l'unica possessione che si dice (ma non se ne ha alcun documento) essere stata data alla Compagnia pel bene generale della religione.[29] Ma egli è certo che i gesuiti la posseggono liberamente al pari degl'altri loro terreni senza avervi obblighi particolari, fuorchè di servire la missione fondata sulla tenuta stessa e quella di Annapolis.[30] I gesuiti hanno cercato, per quanto è stato possibile, di adempire a questa condizione, ed altro non si può da essi pretendere.

§ 13. Ma mettiamo pure che fosse lasciata a'gesuiti pel bene generale della religione : sempre è vero che è lasciata a'gesuiti, e che tocca a questi far de'redditi l'uso prescritto. E certamente il mantenere un collegio

settled the uses of the trust, in favour of those who were formerly members of the religious Society, heretofore known by the name of the Society of Jesus. *Copies of these three Declarations by Walton, Molyneux, and Ashton, obtained* ex ipsomet registro publico civitatis Annapoleos, "*from the public records of the city of Annapolis,*" *were in the hands of Marechal, as he said, when writing the Twenty-three Propositions (15 Jan., 1826) ; but, after this statement of their authenticity* (No. 135, A, Prop. 6, 1), *Marechal proceeds to cite the object of the respective Declarations, without alluding to this one formal affirmation, which is the sole predicate of the single sentence constituting each. See* No. 135, A, Propositions 6, 7.

[29] No. 62.

[30] *There is no such condition expressed in James Carroll's devise ; but the implication of it follows from the general principles stated above,* No. 116, note 27, *and* No. 55, *statement by the General Piccolomini, 8 Apr., 1651. Carroll, in his Plan of Organization for an ex-Jesuit Chapter* (No. 143 ; 1782), *does not allude to any local obligations on the Jesuit property in America ; whereas, in a similar organization previously made by the English ex-Jesuits* (No. 150, Q–B[2]), *and referred to by Carroll* (No. 143, [VII.]), *the local obligations or uses of the ancient Jesuit property in England are a salient feature.*

per l'educazione della gioventù, che ha già dato un buon numero di missionarj, il formare novizj e studenti, affine d'avere una perpetua successione di professori o di missionarj, serve al bene generale della religione e redonda a commodo di Monsig. l'Arcivescovo medesimo. Non s'è mai udito che un vescovo potesse appropriarsi alcuni beni lasciati a un determinato Ordine pel solo titolo, che que'beni sono stati lasciati in bene generale della religione. Se quest'argomento valesse, ne seguirebbe che ogni prete potrebbe chiedere a'gesuiti una pensione ; i Vescovi di Boston, di Nova York, di Filadelfia, di Kentucky, etc., potrebbero al pari di quello di Baltimore pretendere parte della pensione accordata a Monsig. Carroll, perchè questa pensione era in vantaggio anche di quelle diocesi già soggette al detto Monsig. Carroll, che le governava,[31] ossia perchè quella pensione serviva al bene generale della religione cattolica in America. La richiesta che fa Monsignor Marechall sembra ad alcuni tanto più sorprendente quanto ch'egli sa bene l'uso che i gesuiti fanno de' lor redditi, sa i debiti di cui sono gravati e che non possono perciò fare de'miglioramenti quasi necessarj a'lor beni, e sa di più con quanto grave incommodo gli avanzino scudi cinquecento annui, finchè cominci ad essere officiata la chiesa ; e finalmente Monsignore non ignora che il collegio stesso di Georgetown è in estrema necessità d'una cappella o chiesa, dalla quale mancanza ne derivano dei danni considerabili alla religione cattolica generale. Si potrebbe anche aggiungere che la Corporazione ha ceduto all'arcivescovo in pro della cathedrale uno spazio di terreno entro Baltimore che è stato venduto per circa mille[(a)] [*venti mila?*] scudi. Ma come questo punto esigerebbe troppi dettagli contenziosi, si lascia, giacchè il fin quì detto basta a fare vedere l' insussistenza delle pretese ragioni, su cui Monsignor Marechall appoggia e fonda la sua domanda. Mostri egli che i beni o parte de'beni ora posseduti da'gesuiti furono lasciati a favore de'vescovi futuri di Baltimore, e i Trustis si faranno un dovere di cedergli ciò che di diritto a lui compete. Si rifletta ancora che la Corporazione come tale non dipende dal Generale della Compagnia, e i gesuiti membri della detta Corporazione non possono deviare dall'osservanza degli Statuti della medesima a norma del giuramento che fanno.

Jesuit property is held in favour of religion. No claim for others to expropriate.

Necessities and beneficence of the Order.

(a) Mille *for* venti mila [?]. *Here there is an error in the printed* Sommario, *which for want of an original we cannot compare with the writer's own statement. Cf.* No. 93, K, *Mr. P. Laurenson's statement:* worth less than twenty thousand [dollars] ; No. 94, B, *Father Anthony Kohlmann's affirmation:* "*worth* 40,000 *dollars*" ; No. 94, C, *where* $400 *are said by Father Dzierozynski to be the profit derived by the archbishop from the Jesuit donation to his cathedral ; but at what percentage is not said.*

[31] *This acute observation, reinforcing the reductio ad absurdum, is not made elsewhere. Cf.* No. 120, note 2.

Parte Seconda.

§ 14. Monsig. l'Arcivescovo si lamenta che ipso invito il superiore de'gesuiti abbia richiamato dalle missioni al collegio alcuni religiosi della Compagnia.[32] Questo punto è importante, e contiene due questioni, l'una di diritto, l'altra di fatto.

II. Jurisdiction. 1st question: one of right. The resolution of 1810.

Il lamento di Monsig. Marechall è fondato sopra un articolo di disciplina convenuto tra i vescovi Americani nel 1810, che è del tenor seguente: Quando sacerdotibus pertinentibus ad saeculares vel regulares congregationes e superiorum consensu cura animarum demandata est, judicamus eos non debere ex superiorum suorum arbitrio pendere, ab eisque revocari invito Episcopo – – – Neque tamen nostra mens est ut sacro ministerio mancipentur illi quibus revera indigent praefatae congregationes, neque etiam impedire quin revocentur sacerdotes in missionibus laborantes, modo haec revocatio dioecesano episcopo omnino necessaria ad existentiam [*aut prosperitatem*] praedictarum congregationum esse videatur.[33]

§ 15. Ognuno alquanto versato nelle cose religiose, il quale rifletta per poco sul precedente articolo, s'accorgerà facilmente delle conseguenze funeste che ne possono derivare a'religiosi, sopra tutto in America, ove in somma scarsezza di soggetti hanno in mano collegj e seminarj per la cristiana ed ecclesiastica educazione della gioventù; e s'avvederà parimente quanto il detto articolo devii dal prescritto del Concilio di Trento, Sess. 25, c. II., il quale limita la suggezione de'regolari a vescovi in iis omnibus quae curam animarum et sacramentorum administrationem spectant, come dice Benedetto XIV. nella Bolla regolatrice delle Missioni Inglesi. Lo stesso Pontefice ivi al proposito nostro si esprime como segue al 17: Decretum jam est – – – ut cum velit superior regularis ab animarum regimine et sacramentorum administratione regularem sibi subditum removere, efficere id posse quin prius Ordinarium de causa certiorem faciat, etc.

Contrary to the Council of Trent.

È da credersi che, allorquando i vescovi Americani stesero quest'articolo, non avessero presenti le citate autorità, altrimenti non mai avrebbero deciso eos (i regolari) non debere pendere ex superiorum arbitrio, nè fatti avrebbero se stessi, e non già i superiori, giudici delle cagioni per traslocare i loro sudditi, nè finalmente avrebbero insinuato che allor soltanto abbian luogo i cambiamenti, allorchè la necessità è estrema, e fossero necessarj non al bene ma all'esistenza delle congregazioni o ordini regolari.[34] Pare che i vescovi Carroll e Neale ben

[32] No. 115, §§ 3–8.
[33] No. 115, §§ 5–7.
[34] *This argument is weakened by the writer's omission of the words*, aut prosperitatem.

s'avvedessero che questo articolo va troppo avanti, perchè essi non mai lo pubblicarono, e inoltre non era stato fatto in un sinodo diocesano, nè sottomesso e molto meno approvato dal giudizio della Santa Sede.[35] Tuttavia Monsignor Marechall lo citò al superiore de'gesuiti, il quale, sebbene non si credesse obbligato a conformarsi a un tal regolamento, pure vi aveva avuto ogni riguardo, col dare all'arcivescovo previa notizia con ogni rispetto de'cambiamenti che credeva necessarj da farsi. Ed eccoci alla questione di fatto.

Not a synodal decree; and never published till Marechal used it against the Jesuits.

§ 16. Monsignor di Baltimore si lamenta perchè il superiore de'gesuiti, invito Episcopo, richiamò al collegio il P. Cary della missione di S. Tommaso, e il P. Baxter in quella di Richmond, e il P. Fenwick da quella di Baltimore.

2nd question: the facts alleged. Father Cary and Georgetown.

Riguardo al P. Cary,[36] è da sapersi che il collegio di Georgetown non aveva P. Ministro, impiego indispensabile al bene essere d'un collegio d'educazione. Il P. superiore de'gesuiti ne diede notizia all'arcivescovo, aggiungendo che fra i suoi sudditi il solo P. Cary parevagli il meno disadatto a quel carico, e che manderebbe in sua vece altro soggetto opportuno alla missione. L'arcivescovo fece delle difficolta, e il superiore de'gesuiti si astenne per rispetto dal richiamare il P. Cary da una missione che ormai da 200 anni è stata in mano de'gesuiti. Ma non potendo in verun altro modo avere un P. Ministro, il Superiore scrisse nuovamente a Monsig. Marechall d'essere necessitato a richiamare il detto Padre. L'arcivescovo rispose bensì a questa lettera; nulla disse della traslocazione del P. Cary; e parlò d'altri affari contenuti nella lettera medesima. Allora il superiore diè ordine al P. Cary di andare al collegio, come fece. Monsig. l'arcivescovo intanto scrisse al detto P. missionario un ordine di non muoversi; ma il Padre [*non?*] lo ricevette se non al momento che stava per partire pel collegio; donde scrisse a Monsignore che il di lui ordine era giunto troppo tardi, per poter dargli riscontro da S. Tommaso donde era partito in obbedienza al suo superiore. L'arcivescovo scrisse allora una lettera molto risentita al P. superiore, chiedendogli se voleva sì o no sottomettersi agli statuti della diocesi, e riportò il citato articolo. Il P. superiore, che per amore della pace aveva sempre cercato di osservare il detto articolo, rispose che in seguito alla di lui lettera avrebbe rotto il rispettoso silenzio tenuto fino allora, e con ogni sincerità gli direbbe cosa pensasse di quell'articolo. Scrisse pertanto all'arcivescovo a poc'appresso le osservazioni riportate al principio di questo paragrafo. Monsignor Marechall non diede mai risposta o replica diretta alle osservazioni del P. Superiore e si contenne come se già non pensasse ad esiggere sommessione al detto articolo. Solo un giorno disse al Padre

[35] *The writer assumes that the resolution cited by Marechal was signed by the five bishops. See* No. 192.

[36] *Cf.* Nos. 191–193.

Visitatore della Compagnia, che veramente quell'articolo pareva troppo avanzarsi; e che in vigore della Bolla di Benedetto XIV. per le Missioni Inglesi la destinazione de'soggetti regolari appartiene unicamente a'loro rispettivi superiori. E, se vi sono valide ragioni perchè così sia in ogni ordine religioso, molto più così dev'essere nella Compagnia, ove i sudditi con filial confidenza s'aprono a'superiori come a'padri obbligati a provvedere a'loro bisogni d'anima e di corpo, bisogni che talora esiggono il silenzio della causa per cui uno dee essere traslocato. In prova poi, che il bisogno della missione non era il motivo della opposizione che l'arcivescovo faceva, è da osservarsi che egli stesso aveva circa lo stesso tempo richiamato da quella missione un prete secolare, e aveva chiesto ed ottenuto che il P. Bescheter gesuita da S. Tommaso passasse a Baltimore. Il P. superiore prestossi al desiderio di Monsignore, sebbene la prima missione appartenga alla Compagnia e non già quella di Baltimore. Due sacerdoti gesuiti furono poi mandati in luogo dei PP. Cary e Beschter e la missione restò così provveduta come prima.

Father Baxter and Richmond.

§ 17. La missione di Richmond (capitale della Virginia) e quella di Baltimore non appartengono a'Gesuiti, e soltanto in ossequio e rispetto all'arcivescovo erano stati mandati i PP. Baxter e Fenwick o, a meglio dire, erano stati prestati per qualche tempo. Allorquando il superiore per buone ragioni volle richiamare il P. Baxter (ancor giovine) da Richmond, l'arcivescovo vi si oppose con somma pena del detto superiore, che videsi esposto alla crudel necessità di mettersi al pericolo di perdere la confidenza d'un suo suddito, facendo nota quanto bastava parte de'motivi per cui doveva richiamare da Richmond a Georgetown il detto P. Baxter, e soltanto in seguito a questa notizia Monsig. Marechall consentì.

Father Fenwick and Baltimore.

Per ciò che riguarda il P. Enoch Fenwick, l'arcivescovo fu quegli che insinuò qualmente poteva essere traslocato; ma poi, come non trovava un altro che gl'andasse a genio da sostituirgli, si mostrò ritroso, è vero, a dare il suo consenso; pure non si oppose alla di lui partenza.

Conclusione.

Conclusion against Marechal's claim.

§ 18. Da quanto è stato esposto risulta che Monsig. Arciv. di Baltimore non può pretendere da'gesuiti pensione alcuna, nè per titolo di diritto, nè per titolo d'equità. Non di diritto, perchè egli non può produrre il minimo documento o ragione che valga a mostrare dover egli partecipare de'beni, che in loro origine erano proprietà d'individui che certo non pensarano a futuri vescovi, ed ora sono legal proprietà d'una Corporazione riconosciuta dalle leggi civili, i cui membri violarebbero il loro giuramento, e i diritti della restabilita Compagnia di Gesù, se applicassero i redditi ad altri fuorchè a gesuiti, exgesuiti o membri della Corporazione; e Monsig. Marechall

non è nè l'uno nè l'altro, sebbene i gesuiti lo riguardano come uno de'più benevoli protettori che abbiano. Non per titolo d'equità, altrimente ogni prete, ogni vescovo potrebbe produrre lo stesso titolo con egual ragione di Monsig. di Baltimore, il quale è, o può essere provveduto al pari, e forse anche meglio d'ogni altro vescovo degli Stati Uniti (entro quest'anno stesso si officierà la catedrale); e finalmente perchè a norma della vera equità s'hanno prima da pagare i debiti e non farne de'nuovi per dar pensioni a chi non ha alcun titolo da pretenderle, lasciando d'impiegare i redditi per gl'oggetti contemplati da quelli, che avevano il diritto di così disporre.

Questo catalogo e nelle mani dell' Emo Ponente.

Dall'annesso catalogo si può vedere lo stato presente della Compagnia di Gesù negli Stati Uniti dell'America Settentrionale.[37]

Propaganda Archives, Acta Sacrae Congregationis de Propaganda Fide, anni 1822 (Baltimori), Sommario, Num. II.

No. 119. **1822, (March–May).**

Marechal's Notes on the General's Report (No. 118). *A draft.*[a]

Notes sur l'Exposition presentée par le P. Fortis.[1]

Marechal. The settlement of Maryland.

[*1.*] Le Lord Baltimore n'a point accompagné les Catholiques qui en 1632 se rendirent dans le Maryland, puisqu'il est mort au mois d'avril 1632, a Londres, où il est enterré dans la chapelle de Dunstan, Fleet Street (Voyez le Dict. de Moreri et l'Histoire de l'Eglise d'Angleterre par Dodd, etc., etc., etc.).

Ces parolles tendent a soustraire de la vue de la S^te^ Cong^n^ le bienfaiteur et de la religion et des Jesuites, le Lord Balt^e^. Voici des faits incontestables.

Le Roi d'Angletterre, pour recompenser les services du ch. George Calvert et surtout les decouvertes qu'il avoit fait sur les côtes du Canada et Newfoundland dans sa jeunesse et comme navigateur, le crea Lord de Balt^e^ en Maryland [*Ireland?*], fit proprietaire de cette partie de la Virginie maintenant appelée Maryland.

Il envoya dans ce pays un officier qui le representait, et qui en son nom a vendu ou donné des terres aux emigrés catholiques.

(a) *The accents and spelling are left here as they stand in the writer's own sketch. Unimportant deletions are not reproduced.*

[37] *The Catalogue referred to is that of the Russian Province, 1817, to which the American Mission is appended. It gives only the names of colleges, houses, and stations in Russia and America, with sum-totals of Priests, Scholastics and Brothers, and has several observations at the end apparently from Father Fortis. It was not printed in the* Sommario, *and is found in the Propaganda Archives,* Scritture Originali riferite nelle Congregazioni Generali del 1822, Parte Prima, No. (Vol.) 927. *It is not signed by the General. Cf.* No. 121, J, Primo.

[1] No. 118. *The references for the repetitions and amplifications here are given chiefly in the foregoing* Nos. 115–118. *The rest of the matter is irrelevant.*

Certes ! ce n'est pas en virtu du droit accordé par S. M. Brittanique que les Jesuites ont acquis les terres qu'ils possedent. Au contraire les loix de S. M. C. [*B.*] les poursuivoient alors a outrance. Et cela est si vrai que le Lord Baltimore, leur insigne bienfaiteur, prit une multitude de precaution[*s*] auparavant même d'admettre les Jésuites dans le pays qu'il avait obtenu. D'apres la correspondence originale que j'ai dans les archives de mon archeveché, et qui eut lieu entre lui [*et*] le Superieur des Jesuites, il leur imposa plusieurs conditions, entr'autres, qu'il n'acheteroient point de terrains des Indiens ; qu'il ne publiroient jamais la Bulle In Coena Domini, etc., etc., etc. Et quand il fut convenu entr'eux des termes, le 1er Jesuite qui passa dans le Maryland n'y fut point comme missionaire, mais comme un particulier sous le nom du chevalier Thomas Copley (Thomas Copley, Esquire). Ce fut lui qui reçu une lettre patente expedié au nom du L. Baltimore, par lequel il leur accorde 20,000 arpens de terre. Ce fait historique est consigné par tous les monumens du temps. Bien plus le chancelier du Maryland, l'honorable Kelty, a publié, il y a deux ans, un ouvrage extremement interessant, pour servir a l'Histoire de la Province et pour faire connoitre les titres que les principale[*s*] familles du pays ont aux terres qu'il possede. Or ce celebre Magistrat rapporta en termes exprès que 20,000 arpens de terre ont été accordé au nom du Lord Baltimore au chevalier Thomas Copley.[2]

Cecil, Lord Baltimore, "distinguished benefactor" of the Jesuits.

[*II.*] I loro beni da uno periculo, etc., etc.
Per tanto il P. Giov. Carroll.[3]

Ce n'est point seulement le danger mentionné ici qui allarmoit les Jesuites. Ils s'etoient transmis par testament et autres contrats toutes les proprietés qu'ils possedent pendant plus de 200 [!] sans en avoir perdu une seule. Le fait est que d'après les regles [*qu'ils s'*] etoient prescrites par la Societé pour la transmission certaine de leur biens, il etoit presque de tout impossible qu'un Jesuite proprietaire mourut sans testament.

[2] *For the few names that are correct and the many historical statements which are incorrect in this preliminary passage, cf.* History, I., Chapters III.–VI. No. 118, § 1, *on which this is meant to be a commentary, is accurate, except in the implication that Lord Baltimore sailed to America with the first colony. For a contemporary statement regarding the beneficence of Cecil, Lord Baltimore, to the Jesuits,* leur insigne bienfaiteur, *cf. the* Notanda *or Observations of the Provincial, Father Knott (17 Nov., 1641), supra,* No. 16, Notandum 1o : "*As to any contribution either from his own funds or from any common source* [in Maryland], *the Baron could not be persuaded to provide.*" *Cf.* No. 18, p. 178. *See* History, I. § 21, p. 256.

[3] No. 118, § 2.—*The first paragraph, which follows here, is irrelevant to the text on which it comments. The purport of the text is : The ex-Jesuits, being now secular priests (and no longer under Jesuit rules), saw the danger of the property in the hands of individuals slipping away to natural heirs, and so being lost : hence their policy of incorporation. Marechal answers : The Jesuits (who did not exist any longer) were prevented by the Jesuit rules (which did not subsist any more) from dying intestate. Then he introduces a "true reason" for incorporation : first, to make provision for the clergy, as Card. Antonelli demanded before the erection of the see of Baltimore (which was erected four years prior to the act of incorporation) ; secondly, to prevent the property in the hands of the Jesuits from slipping away to lay heirs, and so being lost—the same reason which he had just discarded in favour of "the true reason."*

La vraie raison qui determina Mgr. Carroll fut : 1° de pourvoir au maintien des ministres de la religion catholique selon que le Card. Antonelli au nom de Pie VI. le demandoit avant de proceder a l'erection du siege de Baltimore ; 2° d'empêcher que des biens qui avoit été consacré par les donateurs pour le bien de l'Eglise, ne tombassent enfin entre des mains laique[*s*] apres la mort des peu de Jesuites qui en etoient les depositaires et que la mort devoit bientôt tous eteindre.

The ex-Jesuit Corporation. Carroll wanted the Society's property for his see. His success.

Il est bien vrai que quelques Jesuites, doué[*s*] de pieté et de moderation, se reunirent a M[r] Carroll ; mais la plus grande partie combattit pendant plusieurs années le plan de Mgr. Carroll. Et il a fallu qu'il fit usage de toute sa sagesse et sa prudence pour les determiner faire l'offrande solennelle de biens a l'Eglise du Maryland, devant le corps legislatif de cette province. (Mirtz.[4])

Voyez la correspondence du Card. Antonelli.

The Corporation by-laws, if revealed to the Maryland Assembly, would occasion the ruin of the Jesuits.

[*III.*] La Legislature du Maryland[5] les authorisa a faire des reglemens pour la meilleure administration de ses biens et pour obtenir la fin proposée, c'est a dire le maint[*ien*] des ministres R. Cath. dans la Provinces—mais non certes ! pour les Jesuites seuls, a l'exclusion du reste du Clergé.[6] Il est tres vrai que les Jésuites

[4] *Cf. General Archives S.J., Maryl. Epist.*, 6, iv. *The occurrence of this name here will explain the meaning and use of a paper, offered probably as a document by Marechal* (*cf.* No. 135, A, note 45). *Mertz was a German priest who had served in America under the three archbishops. In 1824, Dec. 20, Marechal writes to Gradwell :* Voulez vous bien remettre l'incluse a Mr. Mirtz pretre employé dans une eglise allemande de Rome (*Rome, English College Archives, Gradwell Collections, Baltimore and Quebec*, f. 153). *The paper, which occurs in relation to Marechal's controversy with the Jesuits, is without date or place, a single letter sheet, apparently Roman paper :*

Circiter ante tringinta [!] sex annos, erecta fuit in civitate baltymoriensi sedes episcopalis a pio sexto fel. mem. pontifice. Sanctissimus papa requisivit a clero Marylandiae, ut pro episcopi sustentatione singulis annis ei octocentum scutata persolveret : clerus hanc requisitionem admisit ; et pro majore securitate, episcopo villam dicta [!] bohemia dedit ; qui episcopo baltymoriensi singulis annis in stillo ferreo adfert octocentum scutata subtracta annua sustentatione pastoris qui in illa villa et vicinitate curam animarum habet. Reverendissimus D. Joannes Carol qui fuit primus episcopus, et primus Archiepiscopus sedis baltymoriensis ; ultra viginti-quinque annos administrationem hujus villae, et annuos census seu proventus habuit et honestam pastori in villa sustentationem attribuit. quia igitur illa villa dicta bohemia securitas est pro 800 scutatis : episcopus Baltymoriensis jus ad illam habet. et ut mihi dixit Re: D: [*f*[*r*]] Archiepiscopus Joannes Carol ; illam villam transire ad suos successores debere et totam hanc historiam mihi dixit ut breviter hic eam annotavi.

JOANNES NICOLAUS MERTZ,
S: romanae Ecclesiae presbyter.

It does not seem likely that Carroll told this entire story to Mertz, since there are four palpable historical errors in the statement, as appears from documents to be cited infra, either written by Carroll himself, or signed manu propria. Cf. No. 116, C, note 8, *and* Sections IV. *and* V. *passim. As to Carroll's income of "$800 every year from Bohemia," cf.* No. 117, B, note 3, *where he states that in fifteen months he has received only* one hog.

[5] No. 118, § 2.

[6] *Cf. the Act itself, 1792*, No. 164, [*III.*].

ont fait des reglemens ; mais ces reglemens etant contraires a la lettre, a l'esprit et a la fin de la loi,[7] s'ils viennent jamais a être produits devant la Legislature, ces mêmes reglemens et tous les pretendus arguments renfermés dans la piece a la quelle je repons, seroient la cause certaine immediate d'une sentence aussi deshonorante pour les Jesuites qu'elle seroit terrible.

L'auteur dans une multitude d'endroits donne a entendre que ces reglemens sont connus et même sanctionés par la Legislature. Cela n'est pas vrai ; ils ne sont connus que de tres peu de personnes entre ceux qui les ont faits et qui leurs ont succedé.

Les Trustees de toutes les Corporations sont positive[*ment*] obligé d'observer les reglemens ; quelques uns même de faire serment de s'y conformer devant un Magist[*rat*]. Mais la Legislature ni le Magist[*rat*] ne leur demanda connoissance de ces reglemens ; ils supposent toujours de l'honneur et de la justice des Trustees, que ces reglemens sont faits conformement a la lettre et a l'esprit de la loi, et surtout parceque ils pensent que si ces reglemens sont faits contre la lettre et l'esprit de la loi, les personnes lesées peuvent toujours attaquer devant les tribunaux les auteurs de ces reglemens et obtenir satisfaction.

[IV.] Il corpo scelto.[8]

La loi permet generalement aux Corporat[*ions*] de prendre un nom quelconque, et cela est necessaire afin qu'en en parlant, surtout en traitant avec elles par écrit, il n'y a pas de danger de confondre et de prendre les unes pour les autres. Le nom dans ce cas est un pure signe de designation.

Mais les Jesuites ayant dessein d'esclure tous les ecclesiastiques du Maryland du droit qui leur est accordé par l'acte de la legislature, prirent le nom de Corpo Scelto ;[9] non simplement comme signe de designation, selon l'esprit et l'intention de la Legislature, mais comme un moyen propre a en imposer du moins aux ignorants de venir a leur fin.

The name, "Select Body," to exclude fraudulently the Maryland clergy.

Par une regle qu'ils fabriquerent entr'eux et qui est une infraction manifeste de la loi, ils statuerent qu' aucuns ecclesiastiques du Maryland ne seroient censé membre de la Corp[*oration*], excepté ceux qui seroient choisis a la majorité des voix ; et comme ils ont toujours eu soin des l'origine que le plus grand nombre de la Corporation fussent Jesuite par ce moyen la Corporation est EFFECTIVEMENT toute Jesuite, a l'exclusion de la grande majorité des ecclesiastiques de cette Province.

Il est interessant que la S. Cong[*regation*] ait une idee distincte de

[7] *Cf. the Act of 1806, rehearsing the foregoing Act, affirming the fulfilment of the conditions enjoined, and confirming the Corporation ; infra*, No. 165, B, [I.] [II.].

[8] No. 118, § 2.

[9] *See* No. 116, D, note 19.

l'organisation interieure de cette Corporation, et certainement c'est une machine très adroitement organisée.

Iº La première fois que conformement au decret du Maryland les ecclesiastiques s'assemblerent, eux qui composoient cette première assemblée, ainsi que je l'ai deja remarquée, etoient presque tous Jesuites. La première regle qu'ils firent fut de decreter que ceux seulement presents et ceux qui seroient choisis dans la suite a la majorité des voix composeroient exclusivement la Corporation. D'apres cette regle, il est evident que ce corps religieux politique devoit être Jesuite.

The Corporation. Two Chambers. Election of Trustees by joint votes. Jesuits everywhere.

IIº Ils decretent que les membres de la Corporation choisiroient parmi eux un certain nombre qui seroient distribués en deux chambres, l'une appellée Senat, l'autre Chambre de Representatifs.[10] Ces deux chambres, il est evident, ne pouvoient être que Jesuites.

Enfin il fut reglé que ces deux chambres reunies choisiroient les Trustees, c'est a dire ceux qui devoient etre les possesseurs legaux de tous les biens ecclesiastiques.

Ainsi, par cet arrangement, la Corporation étant Jesuite et la source veritable des toutes les autres branches de l'administration, il est clair qu'elles devoient finalement toutes être Jesuites, a l'exclusion entiere du reste du clergé du Maryland, contre la lettre et l'esprit de la loi.

[V.] Il xvi., etc.[11]

Ce reglement passa malgré l'opposition vigoureuse de Mgr. Carroll, aussi ni l'a-t-il jamais voulu reconnoitre et signer, le regardant contre [*comme*] contraire a la loi et même a l'honneteté naturelle.[12]

The 16th by-law reprobated by Carroll.

[10] *There is no trace of these two chambers in the Acts of the Select Body or elsewhere. The origin of this conception seems to have been in the term* Representatives, *applied to the old Chapter, when the Board or Corporation was added under the Act of incorporation. Cf. supra,* No. 116, D, note 19; *infra,* No. 168, A, 1º, 8º–12º.— *As to the statement in the preceding paragraph, relative to members present and future members, and the majority of votes, this, if it refers to the Select Body at large, is contained in the provisions of the said legislative Act, third paragraph; if it refers to the Corporation or Board of Trustees elected by the Select Body, it is the provision, in express terms, of the same Act, fourth paragraph. See text of the Act,* No. 164, [III.], [IV.]. *"The first rule" passed at the constituent meeting makes no statement of the kind affirmed here, but declares the fulfilment of the legal provision, regarding the identity of the persons present with the beneficiaries described in the text of the Act. See* No. 168, A, 1º

[11] No. 118, § 3.

[12] *For Carroll's approval and oath, repeatedly taken during thirteen years, and his signature attached to the oath, whereby he bound himself to observe this, as well as the other regulations, here treated of by Mgr. Marechal, see* No. 168, A, 24º; *Ibid.,* B, C, *formula of the oath taken and signed by Carroll.*

Cf. No. 117, E, note 16. *Though the legal oath of the Trustees to observe the Regulations has been repeatedly adduced above, in* Nos. 116, D, *and* 118, *Marechal does not allude to it here. In the fundamental document,* No. 115, § 14, *he had mentioned an oath as having been proposed, but he stated that Carroll "stoutly resisted this proposal;" and, in the next paragraph,* § 15, *he had alleged against the existence of such a sanction, the passage which he ascribed to Carroll, but which dates and documents*

La Societé a été retablie dans mon Diocese non du temps du P^e^ Brzozowski, mais du P. Gruber.[13] Mg^r^ Carroll a-t-il écrit au premier pour avoir des sujets de Russie, c'est ce que je ne puis nier ni affirmer. Je n'en sais rien. Cela est très probable. Car alors le nombre de Jesuites etoient devenus très peu nombreux et il y a eu danger que ils ne fussent reduits à la necessité d'admettre dans la Corpor[*ation*], pour la conservation même de son existence, un nombre de pretres seculiers qui balança par leur nombre celui des Jesuites. En appellant des Jesuites de Russie il le mettoient a couvert de danger.

The Society restored in Maryland. The Jesuits from Russia.

Cependant il paru scandaleux que des sujets de Russie, qui ne savoient ni la langue du pays, ni n'avoient rendu presque aucun service a l'Eglise du Maryland, fussent choisis avec un precipitation membres de la Corporation, et cela a l'exclusion d'une multitude de pretres seculiers qui depuis bien des années avoient travaillé avec zele [*et*] un grand succès au salut des ames.

[VI.] Ne' legali Statuti.[14]

L'epithete convenable est illegali, comme il sera aisé de la prouver, si jamais ces statuts viennent a la connoissance de la legislature du Maryland, et ont donnes un jour a son jugement. Il est très vrai que les plantations des Jesuites rendent des revenus peu proportionés a leur valeur reelle.[15] C'est le cri general qu'ils sont extremement mal administrés. Mais leur masse de proprietés qu'elles forment c'est certainement tres considerable. Outre les actions du Banque et autres contrats productifs qu'ils peuvent avoir, et dont je n'ai nulle connais[*sance*] ni ne pouvais avoir. Voici, autant que je peux m'en rapeller leur proprietés foncierres. Plantations.

Jesuit mismanagement of farms. Jesuit wealth.

St. V. P. [?].

discredit as such (*cf.* No. 113, S, p. 377). *In* No. 119, [III.] *Marechal touches the matter remotely by referring to "some" Trustees of Corporations "even taking an oath before a Magistrate to observe their regulations," as if the Trustees of the Jesuit Corporation did not do so. Somewhat later, Rozaven and the General* (No. 121, B, D; *18 May, 1822*) *elicit an answer on the subject of the oath taken by the Trustees of the Jesuit Corporation. Marechal replies by representing the oath as illegitimate; and "Mgr. Carroll steadily refused to take it"* (No. 121, E, 2º). *But, in the following year, Charles Neale brought up the oath again in his first and second replies to Marechal* (Nos. 124, B; 126, A), *and he added in the latter, that Archbishops Carroll and Neale had both taken* the prescribed oath, and religiously observed it (No. 126, A, 6to). *Then Marechal, addressing the Cardinals, informs them that the Jesuit Trustees take "a double oath," to wit, "one public, the other private," the first "just," the second a perjury, as being "opposed to the Act of the Maryland Assembly and to the oath which they publicly take before the Magistrates."* *See* Nos. 126, B, (5)–(7); 129, A, 4º. *Cf.* No. 116, D, note 23.

[13] No. 118, § 4. *The Father General Gruber died 26 March, 1805. The Maryland Mission was re-established by virtue of Carroll's patents to Molyneux, dated Baltimore, 27 June, 1805. Father Brzozowski was elected General, 14 Sept., 1805.*

[14] No. 118, § 4.

[15] No. 118, § 5.

[VII.] [*1°*] Vari Preti.[16]

Secular priests serving Jesuit missions.

Les Jesuites après le decret du Maryland voyant qu'ils ne pouvoient, faute de sujets de desservir differentes missions dependentes de celles où sont leur grandes proprietés sur lesquelles ils vivent, resolurent, a la prierre de Mgr. Carroll, a recevoir des prêtres seculiers pour prendre soin de ces Missions. (b)

En consequence des representations de Mgr. Carroll il fut convenu qu'ils pourvoyeroient a leur entretien. Et vraiment on se bornerent au pure necessaire. Le perspect[*ive*] de ces prêtres seculiers meme d'apres cet arr[*angement*] etoit certainement très triste, parcequ'il y avoient entr'eux et les Jésuites, avec lesquels ils travailloient, cette immense difference, que ceux cy avoient la certitude dans leur viellesse et a le cas d'infirmités durable, d'être pourvu et soignés, tandis que ce pauvres prêtres secul[*iers*], après s'être epuisé dans les travaux des missions, n'avoient nullement cette consolation et cette esperance. Delà vient que les arch[*evêques*], tandis même que cet arrangement a eu lieu, ont toujours eu une grande difficulté a persuader aux prêtres seculiers d'accepter de semblables posts chez les Jesuites. Plusieurs jeunes ecclesiast[*iques*] avant de les ordonner m'ont prié de ne les jamais envoyer dans les missions des Jesuites. J'en ai même perdu plusieurs qui se sont attachés a d'autres dioceses dans la crainte que je n'exigessent d'eux d'aller travailler avec les Peres.[17]

Mais il est bien autrement maintenant, et je crains beaucoup que l'autre [*l'auteur?*] n'est tres vol[*ontiers*] avancé des faussetés. Car sa composition prouve evidemment qu'il est instruit des faits les plus recens.

Or comment a-t-il pu dire : – – – – [*referring to same passage*, No. 118, § 6, 1°] : car il sait fort bien que le R. Kenny qui, il y a quelques années, est passé dans le Maryland en qualité de visiteur, a même enlevé aux prêtres seculi[*ers*] qui travaillent dans les missions des jesuites l'entretien très mediocre qu'ils avoient jusqu' alors reçu d'eux. Dans une assemblée tenue sur leur ferme de St. Thomas pres Portobacco, il fit decreter que les prêtres seculiers auroient dans la suite a se procurer.[18]

(b) *The following paragraph deleted:* Il fut convenu que ces Prêtres seculiers seroient nouris et receveroient 80 piastres pour leur habillement. Il eut été trop ouvertement scandaleux que les J. [*Jesuites*] eussent retenus les grandes proprietés sans donner au moins la nourit[*ture*] et le vêtement a des prôtres seculiers, qui remplissoient les fonctions penibles des miss[*ions*] attachées a leurs proprietés. D'après cet arrangement on peut dire que les prêtres seculiers avoient l'absolu necessaire; et si les Jesuites eussent prendre l'obligation de les maint[*enir*] dans la viellesse et dans leurs infirmités.

[16] No. 118, § 6, 1°

[17] *On Marechal's having sent secular priests to work in Jesuit missions, cf.* No. 120, 5ª, *where, in 1822, he asks the Propaganda whether he cannot do so. As to Marechal's statement about secular priests serving Jesuit missions, and then being left destitute, see* No. 113, F, *and Carroll's rebuttal of the charge, when it was advanced (by Pasquet?),* No. 113, P. *For the rules of the Chapter and Corporation touching the same subject,* see Nos. 147, G, 5°; 150, M, 1°; 163, 1°, 2°.

[18] *See infra,* No. 181, G, 5°; Proceedings of the Corporation, *22 Aug., 1820, at St. Thomas's Manor, Resolution 5. There is no question of missionaries on the Jesuit estates or missions, but of allowances made to missioners* from the *Jesuit* farms. *Father Peter Kenney left New York for Europe before or about this date. Cf.* No. 181,

[VIII.] 2º Collegio fabricato, etc.[19]

Georgetown College and Propaganda.

Les Jesuites ont sans doute contribué a l'edifice de ce college. Mais pourquoi passe-t-il sous silence les autres contributions? Et pour parler de chose certainement a ma connoiss[*ance*] et que la S. Congr[*egation*] sera surprise vraisambl[*ablement*] de savoir, c'est que la Propagande elle même y a contribué. Qu'elle cherche dans la corresp[*ondance*] qui a eu lieu entre le Prefet et Mgr. Carroll, alors superieur des missions du Maryland; et elle verra les sommes qui ont été envoyés a mon ven. predecesseur pour aider a la batisse de cette maison, entre 178– et 1790.

[IX.] 3º Con denaro ricavato dalla vendita d'un ampia possessione, che già apparteneva alla Compagnia.[20]

Mountain Prospect on Little Pipe Creek, and lots in Frederick Town.

Les Jesuites avoient le titre legal a cette plantation, mais elle les leur avoit été confiée non pour le College mais pour la mission ou cong[*regation*] de Frederick town. Voici comme je suis parvenu a la connoissance de cette transaction.

En faisant la visite de mon diocese j'entendis parler des cath[*oliques*] se plaindre de cette vente comme d'une violation de fideicommis par les Jes[*uites*]. Il me fut impossible d'obtenir des renseig[*nements*] exacts sur cet affaire; la generation qui en fut temoin étant presqu' entierrement eteinte, lorsque j'appris que Mr. Dubois superieur d'un semi[*naire*] d'Emmitsburg, homme de grande pieté et de grands merites, avoient vecu long tems a Frederick town. Ayant occasion d'écrire a Mr. Brute qui vit avec lui dans le seminaire, je le chargai de prier Mr. Dubois de me marquer ce qu'il connoissoit de la vente de cette Plantation. Je prie la Cong[*regation*] de la lire, et elle verra combien est peu exacte et j'oserois dire même fausse l'assertion de l'auteur.[21]

[X.] 4º Libri.[22]

Georgetown College and Carroll's will.

Sans parler ici de l'enumeration poetique que l'auteur fait de l'organisation du College de G[*eorge*] T[*own*], je me contentrai ici d'observer que du moins les livres ne coutent rien aux Jesuites, puisque Mgr. Carroll, voyant combien le College en etoit destitues, leur a laissé un fond assez considerable dans une des

F. *On Oct. 27, same year, he was already in Rome.* (*General Archives S.J., Maryl. Epist.*, 2, iii.: *Kenney's report, Rome, 27 Oct., 1820, to the new General, Father Fortis.*)

[19] No. 118, § 6, 2º

[20] No. 118, § 6, 2º.

[21] *On this matter see supra*, No. 78, note 6; *cf. also* No. 176, A, *letter of Dubois to the Corporation, June 5, 1798.*

[22] No. 118, § 6, 2º.

banq[*ues*] d'Angleterre, dont l'interêt sert a cet objet.[23] Je pourois encore, si l'auteur le nie, envoyer la copie de cet article du test[*ament*] de mon ven. predecesseur.

[XI.] 5º Al mantenimento della Casa.[24]

Voici un point de bien grande importance et que je me trouve malheureusement obligé d'eclaircir.

The Jesuits in Washington; and William Matthews.

Plusieurs Jesuites, a la tête des quels se trouvoient deux qui avoient le plus d'influence, formerent le plan de s'emparer des eglises qui existent dans la ville capitale de Washington et même dans tout le district de Columbia.[25]

Leur premier pas fut de tacher d'obtenir la principale paroisse de Washington qui est près du centre de cette capitale et qui a deja plus de 2000 piastres de revenus.[26]

Pour parvenir a leur fin, ils commencerent a cajoller le curé de cette paroisse nommé Wm. Mathews un de leurs amis et de leurs eleves.[27] Ils lui representerent que sa paroisse etoit très consid[*erable*] et, qu'etant seul, il ne pouvoit pas l'administrer sans de grandes fatigues; et, comme il avoit acheté du terrain autour de l'eglise et du presbyterie dont j'ai le titre civil, ils lui persuaderent de leur permettre de batir tout a côté du sanct[*uaire*] une grande maison pour leurs novices. Ils promettoient de le secourir en celebrant le dimanche la S^te^ Messe, en prechant

[23] *The article stands differently in the will of Archbishop Carroll: £400 sterling (not deposited in any English bank) are left to Father John Grassi, President of Georgetown College; and he may either use the interest as a perpetual fund for the library*, or he may dispose of the capital itself or any part of it, if he can employ it advantageously in the purchase of valuable works of real learning and utility, suitable to the course of studies pursued in the College. (*Md.–N. Y. Province Archives*, H, 152º; *a copy*.—American Catholic Historical Researches, viii. 52.)

The origin of this fund is probably the same as that of so many others, that is to say, the beneficence of ex-Jesuits, or of Jesuits distributing their property before profession in the Order. Thus, writing to Strickland, 2 April 1808, Carroll says of Lawson, S.J.: P.S.—The late Rev. Mr. Ths. Lawson had given me to understand that in his will he had devised to me, for a particular object, 4 p.c. Stock to the amount of £400. But, not having heard of it since his death, I presume that he changed his will. *Then, in the same year, 3 Dec., 1808, he answers a letter of Strickland's, dated 11 June, and says:* Your first letter, by which you announced the death and legacy of our highly respected friend, Mr. Thomas Lawson, has never been received; and I now find that he has executed his promise, made in his letter of April 6, 1794 [*Lawson being then an ex-Jesuit*], and even gone beyond it by £100. *Carroll quotes Lawson's letter.* (*English Province Archives, portfolio* 6, ff. 83^v^, 86; *Carroll to Strickland, 2 April, 3 Dec., 1808.*)

[24] No. 118, § 6, 3º.

[25] *Cf.* No. 178, Y^2^, *Carroll, 31 Mar., 1815, to Grassi:* I have had no time to settle my own opinion of the stations to be assigned permanently to the spiritual care of members of the Society, or of the manner of doing it. Those congregations will naturally be attributed to them which are convenient to their estates; likewise the College of G.T., the city of Washington, Alexandria, Frederic Town, and others, such as Norfolk and Richmond.

[26] *Cf.* Nos. 135, A, Prop. 4, 2º; 188.

[27] *The Maryland Mission Catalogue for 1810 records:* Novitii Scholastici: P. Gulielmus Matthews, a die 17 Martii 1809, Rect. Eccl. S. Patricii Washington. *Cf.* No. 178, U.

et en faisant les catechismes. Mr. Wm. Mathews quoique d'ailleurs très intelligent y fut pris. Il eut meme la simplicité de faire son testament en leur faveur. Il leur accorda l'emplacement necessaire; et une belle maison, qui a couté 12 ou 13,000 piastres, fut eleveé.

Il paru fort extraordinaire au public que les Jesuites bâtissent une maison au centre de la ville et dans un endroit peu propre au recuillement,[28] et cela pour y transferer leurs novices, qui etoient bien mieux dans un grand bâtiment du college de George Town, et qui en est separé. Le but de ce nouvel edifice devint un probleme a resoudre.[c]

La maison étant une fois batie les auteurs de cette entreprise voulurent qu'on y transf[*er*]e les novices ; mais le P. Kolhmann, homme de pieté et de bon sens, qui alors étoit maitre des novices, regardant cet emplacement comme peu propre a un noviciat, s'y opposa et passa a W[*hite*] M[*arsh*] avec les novices; ainsi, la nouv[*elle*] maison n'étant point occupeé, les Jesuites alors la louerent a un maître de pension, Ironside.

Mr. Wm. Mathews, voyant que les Jesuites ne venoit point a son secours comme ils l'a lui avait promis, commença a se disputer avec eux, disant qu'il ne leur avait cedé son terrain qu'a cette condition, et il detruisit son testament.

Alors le P. Kolhmann fut exposé au feu des Jesuites de la Corporation,[d] qui voyoient apparament que leur grand plan qu'ils avoient conçu de s'emparer de toutes paroisses du District ne vint echouer; et, pour appaiser Mr. Mathews, vers le com[*mencemen*]t de l'année derniere, Mr. Kolhmann s'y transporta avec quelques theologiens; il offrit a Mr. Mathews de l'aider dans ses fonctions pastorales. Mais ce dernier, s'etant apperçu que la plan des Jesuites étoit de s'emparer de son eglise, refusa les services qui lui etoient offerts.

The scholasticate in Washington. Matthews and Marechal. Dubuisson.

Bien plus,[e] pour en rendre a jamais l'execution de leur plan impossible, il se mit a faire batir un beau presbytere au lieu de la petite maisonette dans laquelle il avoit jusqu'alors habité. Je le vis l'année derniere a Wash[n]; je le trouvai très échauffé contre les Jésuites aux quels il n'épargnoient pas des epithetes très [*peu?*] honorables. Il me dit qu'il ne vouloit point absolu[*ment*] de leur service et que pour s'en passer il avoit construire a ses propres [*frais*] un vast presbytere afin de pouvoir y loger un ou deux vicaires. Et il me pria de lui en donner au moins.

Je n'avois malheureusement alors aucun prêtre seculier que je puisse lui offrir. Je lui observa[*i*] que dans peu de temps je devois ordonner un jeune Jesuite français de naissance nommé Dubuisson, que s'il y consentait je le lui donnerai pour vicaire. Je lui representai pour calmer ses craintes

(c) *The following sentence deleted:* Mais la Providence le fit bientôt decouvrir.
(d) *Deleted:* Après la depart du P. Grassi il avoit ete nommé Superieur et Provincial.
(e) *This seems to be the continuation of several passages deleted, ending:* . . . qu'il accusoit de duplicité et de mauv. foi.

[28] *For Carroll's express approval of this plan, as well as of the Washington enterprise in general, see* Nos. 178, W², Y²; 188. *For a statement of Kohlmann's, cf.* No. 135, A, Prop. 4, notes 8, 11. *For the policy here, cf.* No. 135, K, p. 564.

que ce jeune religieux étant par son office dans un état de dependance de lui, il n'avoit pas un raisonnable sujet de crainte, qu'il s'empara de son eglise. Il consentit à mon offre, l'unique en verité que je puisse lui faire. Ayant eu son agrément, je commençai a traiter avec le P. Kohlmann alors Superieur Provincial. Celui me dit qu'il accorderoit le jeune Pere Dubuisson, a condition qu'il lui donneroit par an 500 piastres de revenu, la moitié ou tiers des quétes et autre jura stolae. A cet arrangement Mr. Mathews m'objecta la valeur du terrain qu'il avoit donné à ses conditions. Mais je reussis a lui persuader de payer 500 au P. Dubuisson et je le nommai son vicaire ; office qu'il rempli maintenant.[29]

[29] *As to the "conditions," which are here alleged to have been imposed by Father Kohlmann, Superior of the Mission, but which in the next sentence Marechal implies were not acted upon, compare the tenor of the following documents. Kohlmann, no longer Superior of the Mission, but only of the new Washington Seminary, writes to the General, Father Fortis, 5 Dec., 1821, urging the suppression of Georgetown as a boarding-college, and showing how it might be supported as a scholasticate of theology and philosophy for the young Jesuits ; while the city Seminary might supplant Georgetown, but only as a day-college for externs. He sketches the means of subsistence. Among those for the Georgetown scholasticate :* 2º ex proventu ecclesiae ad Trinitatem [*Georgetown*] $1000 annuatim. *As to Washington Seminary :* Haec domus, si quidem studia complectatur ad Rhetoricam vel Philosophiam usque, certo certius 100 studiosos numerabit, qui solvent ad minus per annum $3500 [*depreciated currency ?*], quibus si addas salarium Patris Dubuisson operarii in ecclesia—circiter $4000. (*General Archives S.J.*, Maryl. Epist., 2, iv.). *On the 19 Feb., 1822, Father Kohlmann writes again, insisting on the necessity of the American Jesuits being allowed to receive from boarding-college students a pension, which should exceed the bare cost of maintenance, inasmuch as the faculty had to be supported and the scholasticate to be maintained as a seminary for the faculty ; and, with respect to day-scholars, he argues that a minervale or payment for tuition might be admitted, since in the circumstances of America, with colleges not endowed and with a public accustomed to pay for tuition, no other line of conduct seemed possible, and this was quite normal. He adverts to the action of the late General, Father Thaddeus Brzozowski, who had accepted of a dispensation from his Holiness, that Jesuits might receive stipends for Masses, the usual perquisites for sacred functions and annual pensions or salaries :* missarum stipendia, jura stolae, ac pensiones annuas seu salaria ; *and he alludes to the actual practice of some Jesuit pastors who, in administering the parishes on their poverty-stricken farms in Maryland, not only allow but even exact a certain contribution from the faithful :* certam pecuniae summam, non modo admittunt sed etiam exigunt. (*Ibid.*, 2. v.)—(*Supra*, No. 118, § 7, *the contrary is affirmed as to pew-rents.*)

The Father General submitted these two letters to his four Assistants, writing an autograph note to the effect that each should give his opinion in writing. We have the four written opinions ; and one of them (that of Father Vincent Zauli, Assistant for Italy ?) is anything but complimentary. He refers to Father Dubuisson's "salary"—

"Ad primam epistolam P. Kohlmann, 5 Dec., 1821 . . . ¶ Dum agitur de sustentatione nostrorum in Seminario afferuntur mille ex proventibus Parochiae ad SS. Trinitatem [*Georgetown*], et praeterea salarium Patris Dubuisson operarii in ecclesia. Dum haec audio tinniunt aures. Quid sunt hi proventus, quid hoc salarium ? Equidem in Gallicia aliqui ex nostris coguntur parecias administrare : verum ad eorum sustentationem assignatur, ni fallor, portio ex ea summa, quae a gubernio constituta fuit ad universae Societatis ibi commorantis sustentationem, quae se habet loco praediorum sive fundi ; unde dici poterit, quod homines illi alantur ex fundo Societati constituto. His tamen non obstantibus, audivimus aliquos ex nostris illic degentibus de ea re scrupulis angi, tanquam legibus nostris adversante. Verum socios Americanos istiusmodi scrupulis non esse obnoxios magis patebit ex infra dicendis. Optarem ergo intelligere quid sint illi proventus, quid salarium illud constitutum in ecclesia.

"Ad secundam epistolam, 19 Feb., 1822. Profecto haec me fere ad desperationem egit. . . ." (*Ibid.*, 2, v.)

The principles and practice of the Society being perfectly well known to the Cardinals of the Propaganda, the tendency of Marechal's account here is obvious.

Ambition of the Jesuits. Why Marechal broke the Neale-Grassi concordat.

La construction de la belle maison des Jesuites a W[*ashington*] me firent bien croire, comme a beaucoup d'autre, que leur plan n'etoit pas simplement de former un novitiat. Ce qui me le devoila d'une manniere manifeste c'est un écrit passé entre le P. Grassi Superieur Provincial et Mgr. Neale mon predecesseur et dont le P. Kohlmann m'envoya copie.

Avant son depart pour l'Europe le P. Grassi travailla Mgr. Neale pour donner a la Compagnie, sous le titre du missions, un certain nombre de paroisses. Ce Pere reprit adroitement le ven. viellard [f] qu'en donnant a la Compagnie ces paroisse il se deliveroit de beaucoup soins, et que d'ailleurs cela empecheroit le conf[*li*]t de jurisdiction qu'a quelques fois lieu entre les eveques et les superieurs des ordres reguliers. Seduit par ces raisons, Mgr. Neale signa une liste de missions dressée par le P. Grassi et qu'il declara donner aux Jesuites. Or dans cette liste se trouvent, non seulement la ville cap[*itale*] de Washington, mais ce qu'il y a de plus toutes les petites villes qui l'entourent, savoir Alexandria, Georgetown – – – Montgomery, Queen Chapel tout a côté de Bladensburg, etc., etc., etc.

Jamais je n'ai été plus surpris qu'en voyant cette liste. Elle contient plus de la moitié des paroisses [*de*] mon diocese.[g] Cependant les craintes a la vue de cette liste s'evanouir en observant que cette ecrit estoit passé entre le P. Grassi e mon ven. predecesseur, sans lier leur successeurs respectifs.[30] La Divine Providence a heureusement detruit ce plan si vaste, si inconcevable et si ouvertem[*ent*] subversif du siege de Baltimore, 1º par la dispute qui s'est elevee entre Mr. W^m^ Mathews curé de Wash[*ington*] et les Jesuites et qu'il regardoit dans l'origine comme un instrument a leur disposition — 2º par la Mgr. [*mort?*] de mon ven. predec[*esseur*], qui leur empêché de mettre en execution ce plan qui une

(f) *Next four words deleted:* qui vraisemb[*lablement*] y consentit.
(g) *Next sentence deleted:* Et lorsque je reflechisais que si par malheur pour la Reli[*gion*].

[30] *See text* (*3 April, 1816*), No. 189. *The perpetuity of the contract is seen also in the extract*, No. 88, A. *Cf.* No. 116, C, p. 408, *Marechal's appeal to the sacredness of contracts:* Si ulla fides sit debita contractibus. *Cf.* No. 119, note 25, *Carroll's original conception of this concordat, and its* permanency.

As to the opinion of W. Matthews himself, on the validity and permanency of the contract, which included expressly his own church: St. Patrick's Church in Washington City, *compare the opinion, given by him as member of a select committee of two on the Constitution of the Select Body* (*1817*). *Appointed with Enoch Fenwick, to define for the Representatives the meaning of the 17th. Regulation:* That, where a manager is wanting to an estate, the Trustees [*not the Representatives*], after advising with the Bishop and obtaining his approbation, shall have the appointment (No. 168, A, 17º), *he and E. Fenwick were* of opinion, that the advising with and obtaining the approbation of the Bishop, as mentioned, was in point of spiritual jurisdiction; and, as the late Most Rev. Archbishop [*L. Neale*] has ceded to the existing Superior the spiritual jurisdiction of the said estates, that the Superior of said Society be henceforward substituted for the Bishop. It was by the above Representatives resolved and agreed, that the above explanation and meaning of 17th. article of the Constitution be admitted. *And so the Matthews—E. Fenwick interpretation passed into the minutes of the Corporation* (*16 Oct., 1817; 12º*). *See* No. 180, N, 12º *Thus, in virtue of the spiritual jurisdiction being expressly ceded by the Ordinary to the Superior, it was inferred that joint action in the appointment to temporal management was also superseded. The opinion of Matthews clearly implied the execution and perpetuity of the contract. Cf.* No. 135, B, note 48.

fois etablie n'eut peu être renversé par ses successeurs qu'avec une extreme difficulté, etc., etc.[31]

J'en viens maintenant au texte de l'auteur. [*Continued infra*, No. 121, E.]

Georgetown College MSS. and Transcripts, Marechal Controversy; autograph notes of Marechal, ff. 5–11v. The multitude of less important deletions in the writer's draft have not been reproduced here; nor have the errors in the French language been corrected; but the few Italian words, cited from No. 118, *have been restored to their proper form.*

No. 120. (1822, March—May.)

Marechal's Questions to the Propaganda. *On jurisdiction over the Jesuits, and rights to their property.*

Quaestiones propositae ab archiepiscopo Baltimorensi S^ae^ Congregationi de Propaganda Fide.

1ª Utrum sine praevia licentia archiepiscopi Baltimorensis possit superior Provincialis S. J. mittere juniores Jesuitas in dioecesi Baltimorensi natos ad quemcumque catholicum quem seligere maluerit antistitem, ut ab eo sacros ordines suscipiant.

1. Maryland Jesuits to be ordained only by Bishop of Baltimore.

2ª Utrum juniores Jesuitae nati in dioecesi Baltimorensi ac educati expensis bonorum cleri Marylandiensis licite possunt, cum semel ad presbyteratus ordinem promoti fuerint, a superiore Provinciali extra dioecesim Baltimorensem mitti sine praevia licentia archiepiscopi Baltimorensis.

2. Maryland Jesuits to be kept in service of Baltimore see; otherwise useless.

N.B. Haec quaestio est maximi momenti; cum etenim Jesuitae inducant juvenes ut Societati suae se uniant, evidens est perplures, qui alioquin fuissent valde utiles nostris missionibus, si sacerdotes saeculares remansissent, nostrae dioecesi evasuros fore prorsus inutiles; quod quidem est maximum detrimentum in regionibus ubi tanta est penuria missionariorum.

3ª Utrum Jesuitae in Marylandia possunt licite vendere bona immobilia cleri Marylandiensis, quorum administrationem habent, atque eorum pretium contra tum primitivam intentionem piorum donatorum, tum litteram ac spiritum decreti legislaturae Marylandiensis transmittere extra dioecesim nostram, aut illorum bonorum redditus applicare finibus bono dioeceseos prorsus extraneis.

3. Jesuit property to be kept for the use of the Baltimore see; excluding Philadelphia and New York.

Haec quaestio proponitur, quia 1º Jesuitae Marylandienses domum et terras adjacentes emerunt prope civitatem Neoeboracensem, idque cum pecunia cleri Marylandiensis;[1] atque interesse debiti quod contraxerunt hac emptione

Repetition of claims.

[31] *References needed for the verification of many statements made here have already been given in the preceding* Nos. 115–118.

[1] *Cf.* Nos. 109, B; 181, A, [1.].

solvitur ex redditibus bonorum cleri Marylandiensis;—2° quia paucis abhinc annis vendiderunt praedium comitatus Harfordiensis, et valor ejusdem praedii, qui in banca Foederatorum Statuum depositus fuerat, fuit nuperrime sublatus a procuratore Societatis et missus Philadelphiam.[2]

4ª Utrum ecclesiae et domus presbyterales, quae sitae sunt in praediis cleri Marylandiensis, et quorum administratores sunt officiales Jesuitarum, quaeque semper immediatae jurisdictioni archiepiscopi Baltimorensis subjectae fuerunt, sicuti ecclesiae et domus presbyterales missionariorum secularium subjectae sunt, haberi debeant tanquam a jurisdictione archiepiscopi Baltimorensis exemptae sicuti domus professionis et novitiatus eximuntur.[3]

4. Jesuit churches and houses to be treated as those of secular clergy.

5ª Utrum non possit archiepiscopus Baltimorensis mittere seculares sacerdotes in domus et ecclesias cleri Marylandiensis eosque instituere pastores missionum qui [*quae*] in vicinitate existunt; utrum vero Jesuitae administratores, sub praetextu juris apud nos inauditi,[4] patronatûs vel quasi-patronatûs, licite possunt eos rejicere, vel aperte, vel indirecte, denegando nempe ipsis ex bonis cleri Marylandiensis decentem sustentationem ad quam jus habent.

5. Jesuit houses and churches to be at the disposal of the Bishop of Baltimore.

Georgetown College MSS. and Transcripts, Marechal Controversy; autograph notes of Marechal, f. 17.

[2] *Cf.* Nos. 87, 88.—*Regarding the exception taken here to the rights of New York and Philadelphia, where Baltimore claimed rights, cf.* No. 118, *ad* note 31. *Under Marechal's major premise, that Jesuit property was for the general good of religion to be administered by Carroll and his successors, and under Grassi's minor premise, that, as a matter of fact, the bishops of New York and Philadelphia were Carroll's successors like the Bishop of Baltimore, either the conclusion implied here in favour of Baltimore, to the exclusion of New York and Philadelphia, is contradictory to the major principle on which Marechal's position rested, or the principle itself has been abandoned for a contradictory, which is not stated anywhere. Grassi's minor premise is merely the statement of an obvious fact.*

[3] *No distinction being made in the two parts of this query between the questions of fact and of right, it appears self-contradictory as it stands. Probably the second part:* Utrum . . . haberi debeant . . . exemptae, *is a petition for a declaration of right, as vested in the Ordinary, to justify the fact alleged in the first part, which is too loose to be true. See the following note* 4.

[4] *For notions of the jus patronatus, true or false, cf.* Nos. 121, A, II., note 4; 200, *Robert Plowden's view;* 219, (*Bishop Dubourg's ? view*). *For the jus patronatus over their own property, as seen in operation, exercised by the Jesuits, and recognized in fact as well as over his signature by Archbishop Carroll, see passim infra:* Nos. 168, A, 17°; 173, E, M; 175, N, 12°; 176, G, 5°, 6°; 178, T; 179, L, N, 6°; 180, N, 12°. *Cf.* No. 130, A, note 4. *Carroll affirms the same principle, as a right of the Society in the diocese of Philadelphia. See* No. 178, Z. *This jus patronatus, as Marechal calls it, was recognized in practice by himself, ex. gr. when offering an assistant to the Jesuits at Frederickstown* (*cf.* No. 135, E), *or when offering a priest* with the concurrence of Father Kohlmann, *Superior, for service with the Jesuits in the lower counties of Maryland* (No. 191; *Marechal, 17 Mar., 1820, to Francis Neale*).

No. 121. **1822, April, May; 1821, 1822.**

Marechal's Brief Answers to objections against his proposals. 1. *On Irish priests.* 2. *On lay-trustees.* 3. *On the Jesuits being required by the Pope to surrender their property.*

Rozaven on the Marechal papers. *A critique.*

Sequence of documents. *Ending the first stage of the controversy.*

A. 1822, April 20.

BREVES RESPONSIONES

difficultatibus quae forsitan objici possunt contra remedia proposita ab archiepiscopo Baltimorensi, ad avertendas praecipuas calamitates quibus nunc premitur ecclesia catholica in Foederatis Americae Statibus.

I.

Contra facilem nimis introductionem impiorum sacerdotum ex Hibernia.

Remedium:—Epistola encyclica ad Hiberniae episcopos cujus substantia reperitur in foliis jam Sacrae Congregationi praestitis.

Obj.— Illud remedium est novum ac periculosum.

Respº Multi vagabundi Hiberni sacerdotes, versus medium saeculi proxime elapsi, in Angliam migrabant atque omnia miscebant tumultibus. Huic gravi malo finem efficaciter imposuit Benedictus XIV. anno 1755, bulla *Apostolicum Ministerium*, in qua sapientissimus ille S. Pontifex jubet Hibernos sacerdotes in sua patria remanere, nec unquam in Angliam se conferre, nisi prius invitentur a Vicariis hujus regni Apostolicis.[1] Jam vero remedium ab

Against Irish priests: the Bull of Benedict XIV.

[1] *In the Apostolic Letter of Benedict XIV*, Apostolicum Ministerium, *30 May, 1753, there is nothing which implies either the description given here of Irish priests, or the statements about their being excluded from England unless invited. The only description of Irish priests as given by the Pope, is that contained in the words* cum ad sustinendam insulae ejusdem [*Hiberniae*] missionem deputentur, *and* plurimi sapientesque; *the Apostolic Missionaries there being deputed for Ireland and not for England, a great number of them being needed in Ireland itself, and their character of high qualifications. The statement then made by the Pope is that, such being the needs of Ireland, the "aforesaid Irish priests" should then only be incorporated in the English clergy,* missionariis Anglis tunc solum cooptentur, *when the latter, for want of numbers, proves unequal to its own task, and the English Vicars Apostolic desire and invite the former:*

§ 3. *Regulares idonei in Angliam mittantur ad certa dumtaxat officia exercenda; et ex iis tantum Ordinibus, qui propriae nationis coenobium in catholicis regionibus habent. Then the Pontiff proceeds in these words:* Enim vero cum Hiberni sacerdotes ad sustinendam insulae ejusdem [*Hiberniae*] missionem deputentur, quae plurimos sapientesque expetit operarios; cumque in Anglia permulti sint sacerdotes indigenae tam saeculares quam regulares; consentaneum esse arbitramur, si iidem ipsa in patria labores suos potissimum impendant, et praedicti Hiberni sacerdotes missionariis Anglis tunc solum cooptentur, cum horum paucitas id exigere videatur; ideoque a Vicariis Apostolicis Anglis ad missionem exoptentur et evocentur. (Bullarium Benedicti XIV.; *30 May, 1753.*)

The same Apostolic Letter is quoted by Marechal, supra, No. 115, § 7, *on his claim to jurisdiction over the Maryland Jesuits, is reconsidered by* (*Grassi?*), No. 118, § 15,

archiepiscopo Baltimorensi indicatum longe mitius est illo quod adhibuit Benedictus XIV. Si quidem regulas disciplinae proponit, quibus admissis, pii Hiberni sacerdotes in Americanis missionibus facile admitti possent ; impii autem tantum repellerentur.[2]

II.

Contra illimitatam civilem authoritatem quam fideles aliquando committunt laicis administratoribus in ipsasmet ecclesias ac bona eis annexa.

Remedium :—Americani episcopi saltem moneantur nullum concedere sacerdotem ecclesiis in futurum aedificandis, nisi fideles limitent civilem authoritatem, quam laicis administratoribus committunt, adeo ut isti ea abuti nequeant in destructionem religionis.

Obj.— Hoc remedium forsitan laedit leges reipublicae Americanae, ac timendum est ne multiplicet calamitates quibus occurrere volumus.

Resp° Juxta leges nostrae reipublicae quilibet civis, committens aliquibus e suis concivibus administrationem alicujus boni temporalis, permittitur pro nutu suo illis concedere in hoc bonum vel illimitatam, vel limitatam authoritatem.

Lay-trusteeism as to churches yet to be built.

Verum Americani nostri rarissime suis administratoribus authoritatem illimitatam concedunt. Quamvis viri quos seligunt sint probitate ac religione insignes, attamen fere semper quibusdam positivis civilibus limitibus circumscribunt potestatem quam ipsis in bona sua transmittunt.

Igitur catholici fideles possunt, sine ulla quacumque infractione legum reipublicae, concedere ecclesiarum temporalibus administratoribus illimitatam, limitatamve authoritatem.

Atque cum fatali nimis experientia abunde constet quod laici administratores bonorum ecclesiasticorum, vestiti semel authoritate illimitata,

is supplemented from the text of Benedict XIV., No. 192, *and is referred to by Father Fortis in his* Libellus supplex *to the Pope*, No. 193. *Cf.* No. 121, L.

[2] *As to the opening of this question, regarding Irish priests and America, cf. letter of Card. Consalvi, 25 May, 1822, to Mgr. Marechal, then in Rome. Inquiries are made under ten heads ; one being about wandering priests. The same Cardinal writes to Marechal, 20 July, 1822, speaking among other things of an advice which shall be given to Irish bishops, that they be on their guard lest priests of dubious character wander over to America. (Georgetown College Transcripts, Shea's abstracts, 1822.—English College Archives, Rome, Gradwell Collections, Letters from Baltimore and Quebec, f. 58 ; Consalvi, 20 July, 1822, to Marechal ; copy in Marechal's hand.)*

In the same letter of Card. Consalvi to Marechal, another matter concerning another episcopate is decided. The latter desired to superintend the appointment of bishops in North America. Consalvi informed him that, though the Archbishop of Baltimore was to be consulted in such matters, no decree was made to that effect. Hence later, 16 Dec., 1826, a complaint of his on this subject of superintendence, to which he was always reverting, was met by Card. Capellari with the observation that, in the appointment of a bishop for New York, the Propaganda had merely followed its decree of 3 June, 1822. (English College Archives, ibid., passim.—Georgetown College Transcripts, Shea's abstracts, 1825-1830 : Capellari, 16 Dec., 1826, to Marechal.)

ea abutantur in subversionem religionis, certe quidem episcopi merito possunt fidelibus denegare sacerdotes, quamdiu renuent suorum administratorum authoritatem circumscribere, et eos obligare civili contractu ad observationem legum quibus ecclesia catholica regitur.

Dixi ecclesiis in futurum aedificandis. Quoad enim ecclesias jam aedificatas, et in quas laici administratores jam pridem illimitatam civilem authoritatem exercent, potest quidem episcopus pro sua prudentia suadere fidelibus ut hanc authoritatem jam concessam partim revocent aut saltem circumscribant. Verum ad id eos durioribus mediis cogere imprudens foret. Exemplum praeclarum prudentiae in hac negociatione agenda exhibet omnibus ecclesiis provinciae cathedralis ecclesia Baltimorensis.

As to churches already built.

Videlicet ven. meus praedecessor DD. Carroll incaute permiserat fidelibus Baltimorensibus ut ecclesiae cathedralis temporalibus administratoribus concederent illimitatam civilem authoritatem.

Carroll's imprudence. Marechal's provisions.

Verum ego merito timens ne cathedralis ecclesia aliquando agitaretur iisdem tumultibus ac scandalis quibus nunc agitantur ecclesiae Philadelphiensis et Neoeboracensis, antequam ad consecrationem meae cathedralis procederem, ipsosmet ejus temporales administratores coram me convocavi atque eos adhortatus sum ut sponte consentirent circumscribere authoritatem civilem qua potiebantur; ne ipsorum successores, spretis canonibus ecclesiae, ea abuterentur. Meis observationibus lubentissime annuerunt, et ipsimet proprio motu contractu civili, qui vim habet coram civilibus tribunalibus, suam suorumque successorum authoritatem limitarunt.[3] Quin imo, ut hic contractus vim perpetuam haberet, sponte adierunt legislaturam Marylandiensem, quae ipsorum votis annuens illum suprema sua authoritate firmavit.[4]

[3] *For the names of Baltimore Cathedral trustees at the time, and their relations with the Jesuits, cf.* No. 94, pp. 323, 324.

[4] *On the basis of this representation, and following the lines traced by the Archbishop of Baltimore, the Sacred Congregation, 27 July, 1822, formulated a decree on the manner of treating lay-trusteeism. It is addressed to* R. P. D. Ambrosio Marechal, Archiepiscopo Baltimorensi; *and is signed:* H. Card. Consalvi; C. M. Pedicini, Secretarius. (*Md.–N. Y. Province Archives; a copy attested by Father Beschter, 17 Feb., 1823; taken from Marechal's own. Cf. text,* Juris Pontificii de Propaganda Fide, Pars Prima (*R. de Martinis, 1891*), iv., 621, 622, *note, giving this Instruction in connection with the Apostolic Letter to the American bishops, 24 Aug., 1822, on lay-trusteeism.*)

In its first half the decree provides for the case of churches already built, and placed under the control of Lay-Trustees, as an accomplished fact. The provisions are those of moral persuasion, as sketched by Marechal. Then it proceeds to churches which shall be built in future, and considers two cases: (1) *when the faithful build a church and hand it over, with its property annexed, to the Ordinary;* (2) *when, building a church, they still prefer to put such sacred property in the hands and subject to the temporal administration of Lay-Trustees. In the first case, they are to declare by a legal instrument that, in consigning the property to the Ordinary, it is only in trust and for the use of the church so built,* sese ea sacra bona fiducialiter tantum ac pro usu exstructae ecclesiae committere Episcopo loci nominando; *and, to fulfil this trust, the Ordinary is to make two wills, one of which he shall keep among his papers, the other he must deposit with a person strictly reliable; so that the bishop's heirs*

III.

De infelici controversia,
quae existit inter patres Societatis Jesu et archiepiscopum Baltimorensem.

Omnino fidens summae justitiae ac aequitati Sacrae Congregationis archiepiscopus Baltimorensis ad eam confugit, ut bona temporalia suae

may not be able to appropriate what was only entrusted to his administration, ut si forte contigerit exemplum ab Episcopo retentum deperdi vel occultari nequeant illius haeredes ecclesiae bona sibi vindicare. *In the second case, when the faithful still employ Lay-Trustees, the Ordinary is to take every means that limitations be put to the authority of the said officials—the same, which for churches already built and in the hands of Lay-Trustees can now be obtained only by moral persuasion. Should the faithful decline to yield in this point, and prefer that their Lay-Trustees have unlimited control, then, if they cannot be dissuaded, he will be allowed to refuse his blessing or dedication of the church for sacred uses, and also to decline assigning them a pastor:* Quod si illi in sua pervicacia permanserint, licebit Praesuli novae ecclesiae benedictionem denegare, nullumque iis tanquam ecclesiasticarum legum contemptoribus pastorem praeficere. *Cf.* Concilii Plenarii Baltimorensis II. Acta et Decreta, Nos. 191, 204; Conc. Plen. Balt. III., No. 269.

As to the first part of these provisions, requiring the Ordinary to hold the property only in trust for the sacred purposes intended by the faithful benefactors and beneficiaries, it will be seen, infra, No. 139, A, Postscriptum, *that Archbishop Marechal, addressing the Propaganda, 26 Nov., 1826, quoted this decree against the Jesuits, citing only the seven words:* fiduciale [*fiducialiter*] tantum et pro usu extructae ecclesiae, etc., etc., etc. *He denounced the Jesuits for not conforming to the decree. He implied that it inhibited them from receiving property, as members and in the name of a Regular Order; that sacred property could be accepted by such a religious body only as if it were a substitute for the Ordinary of the diocese, receiving in trust as if it were himself that was appointed trustee. The precise issue involved was that of Upper Marlborough, Md., where a church had been built by the faithful and deeded in fee simple to the Jesuits. See* Nos. 135, O, P; 139, note 4.

As to the second part of the provisions, regarding the case of a recalcitrant congregation which should insist on Lay-Trustees being invested with an absolute control of the property, Marechal refused to dedicate the church at Upper Marlborough, conveying a new implication that, in accordance with these provisions, a Religious Order possessing sacred property in its own right, at least if the care of souls was attached thereto, was but a body of Lay-Trustees. See ibid.

Thus for "Ordinary" he substituted "Jesuits" in the first place; and for "Lay Trustees" he read "Jesuits" in the second. In other documents (Nos. 120, 5ª; 130, A, 2º), *speaking of the sacred uses to which the Jesuits put their own property in Maryland, he refers to their title as a* jus patronatus—*a title, he says, "unheard of" and inadmissible. See* No. 120, 5ª. *At the same time, he expressly likens Jesuit proprietors to Lay-Trustees. Cf. infra,* No. 130, 2º.

For Bishop Carroll's view, exactly contrary to Marechal's assertion, that the jus patronatus *was unheard of in America, cf. infra,* No. 178, T; *where Carroll devises a formula (an autograph draft) for instituting a* jus patronatus *either in a bishop or in a society, and that over property to which the care of souls is attached. This undated formula, however, may have been drawn up at a time when he had not yet experienced the evils of lay-trusteeism. For Carroll's own practice and administration, in harmony with the* jus patronatus, *which he recognized as vested in the Jesuit proprietors, see infra, passim, as quoted,* No. 120, 5ª, note 4.

The issue did not close with the life of Archbishop Marechal; not, however, on the supposition of a Religious Order being a substitute for the Ordinary of a diocese or being a body of Lay-Trustees, but on the ground of its being able to possess in its own right. It was held that sacred property, to acquire which the faithful had contributed the means for the service of the parish or mission, should be held by regulars in charge of it, only as other diocesan property was held, and not in the name of the Order or Religious Congregation. A decree was formulated to this effect in the Third Plenary Council of Baltimore (1884). It was disallowed in Rome, but with permission to reopen the question in a future Plenary Council. Conc. Plen. Balt. III. Acta, viii, p. lxvii. *Cf. infra,* No. 130, C, V., p. 517, *the Provincial Synod of Baltimore, 1829.*

sedis ipsius supremo judicio protegerentur contra manifeste injustam patrum restauratae Societatis eorum invasionem.

The "manifestly unjust invasion" of Jesuits on diocesan goods. Alternatives. Repetitions.

Nunc autem vel S. Congregatio sententiam pronunciabit in favorem archiepiscopi vel Jesuitarum. Certe maximi momenti est attendere ad consequentias quae ex hac sententia, quaecumque sit, manabunt.

1º Si Sacra Congregatio suo judicio jura sedis Baltimorensis confirmet, omnino necessarium est ut illud judicium decretoria authoritate Summi Pontificis corroboretur et Pater Generalis Societatis compellatur illud judicium transmittere ad suos Americanos subditos, atque ipsis imperare ut ei obsequantur. Etenim ex nota indole istorum patrum, et ex privilegiis quibus gloriantur, certissimum est, quod si ipsis offeratur merum judicium Sacrae Congregationis destitutum sanctione Summi Pontificis, illud aperte rejicient tamquam promanans a Congregatione quae neque in ipsos neque in bona ecclesiastica ullam habet jurisdictionem, et sic ex eorum resistentia novissima existentis controversiae evadent pejora prioribus.

2º Si contra (quod ex evidenti jure archiepiscopi Baltimorensis improbabile omnino est) Sacra Congregatio proferat sententiam Jesuitis patrocinantem, tum sedes Baltimorensis spoliabitur redditibus qui ipsi annexi fuerant, tum negociationibus Card. Antonelli et ven. mei praedecessoris DD. Carroll, tum suprema lege reipublicae Marylandiensis, tum denique contractu inito inter ven. DD. Carroll et D. Robertum Molineux primum restauratae Societatis in nostris regionibus superiorem Provincialem.

His positis,

1º Nisi Summus Pontifex aliquo modo mensae sedis Baltimorensis provideat, praesens archiepiscopus, utpote destitutus omnibus fere redditibus, cogitur Sanctae Sedi dimissionem suae sedis deferre. Namque catholici Baltimorenses, qui jam expenderunt circiter 200,000 scudos Romanos in aedificatione cathedralis, et qui insuper nunc premuntur debito 50,000 scud. Rom., non possunt mensae archiepiscopali providere; quin imo, etiam si possent, certe recusarent, cum probe sciant lege suprema Senatus Marylandiensis ipsi fuisse provisum.

Marechal's resignation of his see. Baltimore Catholics.

2º Etiam si sententia S. Congregationis foret archiepiscopo Baltimorensi contraria, attamen non abrogabit supremam legem senatus Baltimorensis, quae natura sua est perpetua neque aboleri potest nisi authoritate legislativa, quae eam condidit. Ergo semper liberum erit archiepiscopis Baltimorensibus implorare justitiam senatus Marylandiensis, et sine ullo quocunque labore obtinebunt protectionem contra patrum Societatis injustitiam, videlicet offerendo legislaturae praefatae brevem libellum in quo statuatur: 1. Suprema sua authoritate omnia bona a piis

The Ordinary of Baltimore denouncing Jesuits to Maryland Assembly.

donatoribus ecclesiae catholicae concessa in decursu temporum applicanda esse sustentationi cleri Marylendiensis; 2. Jesuitas, administratores istorum bonorum, manifeste contra mentem et litteram ipsam legis, varias regulationes subdole condidisse, quibus positis omnia haec bona exclusive nunc convertuntur ad privatos usus suae Societatis. Tunc sine ulla haesitatione legislatura Marylandiensis 1. spoliabit Societatem omnibus bonis quorum administrationem habet, et sic infallibiliter funditus destruetur in Foederatis Americae Statibus; [*2*] portionem certe longe pinguiorem ea, quam nunc postulat archiepiscopus Baltimorensis, ei concedet. Sed quid eveniet de caeteris bonis ecclesiasticis quae forsitan assurgunt ad summam 500,000 scud. Rom.? Praevideri non potest. Periculum est ne omnino dissipentur.[5]

Destruction of the Society in America by a sentence of the Assembly.

Hae observationes humiliter Sacrae Congregationi submittuntur ut in suis pronuntiandis judiciis plenam omnino rerum cognitionem prae se habeat.

Notae.

1º Actus legislaturae apud nos idem sonat ac suprema lex. Ex natura sua est permanens et perpetua.

[5] *What Marechal means here and in many other places by "the Legislature of Maryland" and the "justice of the Senate of Maryland," must be a Maryland court of justice, or court of law; as he had intimated expressly to Father Leonard Edelen, secretary of the Corporation, 30 April, 1820:* But I may assure you, Rev. and Dear Sir, that, if ever I be unfortunately compelled to institute a law suit against the Corporation, *etc.* (*infra,* No. 181, E). *To the Cardinals in Rome he never alludes to a law suit in a secular court, instituted by an archbishop against priests, but invariably mentions "the Senate of Maryland," etc., as here. This seemed to signify the Government, and had an elevated connotation; nor is it likely that the Cardinals knew the limited powers in America of a merely legislative branch, which could not sit as a court of justice on the execution of its laws or on the contentious interpretation of a charter.*

In point of fact, within six months after this passage was written for the Propaganda, there was a suit at law, which served as a test case covering the issues mentioned here in the text. See supra, No. 87, O. *It was about the proceeds of a Deer Creek sale, made originally by Archbishop Carroll in the name of the Corporation; it was instituted by the Corporation against Daniel Brent, as executor of the "venerable predecessor," Archbishop Carroll, whose rights Marechal claimed; and it was decided by the Court against Carroll's executor, in favour of the Corporation. This issue had all the elements of a test case, covering Marechal's claims and arguments.* 1º *It was about the property of one of those estates, which, according to Marechal, had been assigned by "the decree of the Senate of Maryland" to the service of the general clergy of Maryland, whereof the Archbishop of Baltimore was a* pars et quidem insignis, "*a distinguished member*" (No. 116, C, 2º). 2º *The estate in question was one of those which, according to Marechal, were pledged, under the Carroll-Molyneux agreement, to provide the archiepiscopal mensa of Baltimore with "perpetual revenues" (ibid. and passim).* 3º. *The proceeds in question were such as Marechal's predecessor actually had in his hands at his death, and which were now sued for by the Corporation, at the same time when Marechal the successor was pleading that he received nothing of the "perpetual revenues" due to him from the same and other estates.* 4º. *The estate in question presented the specific circumstance, according to Marechal, of being bound over from its origin to the service of a particular parish, and being under the administration of Marechal as* the guardian *of the fund* (*supra,* No. 88, F). *And yet the Court gave judgment against the executor of Marechal's predecessor. Cf.* No. 129, p. 507, 1º.

2º Dare alicui titulum civilem in aliquod bonum idem est ac ipsi transmittere istius boni dominium ac possessionem. Hoc sensu requirit archiepiscopus Baltimorensis ut patres Societatis ei dent titulum civilem in praedium dictum Bohemia, vel potius in praedium White Marsh.

Marechal will accept White Marsh. Preferable to Bohemia.

3º Archiepiscopus Baltimorensis praefert praedium White Marsh praedio Bohemia, quia:

(1º) Impurus admodum est aer praedii Bohemia. Per septem annos ibi commoratus est praesens archiepiscopus Baltimorensis, dum simplex foret missionarius sacerdos. Sed continuis laborans febribus hanc missionem, jussu medicorum, coactus est deserere.[6] Insuper Bohemia a

[6] *Cf.* Nos. 170, T; 171, A; 135, A, Prop. 6. *In this latter document addressed to Card. Della Somaglia, 15 Jan., 1826, Marechal says:* Per quinque annos Bohemiae vixi, atque cum administrationem haberem hujusce praedii, *etc. As to Marechal's stay at Bohemia, which he refers to more than once, and as to the reasons for his leaving it, the following documents exhibit the order and character of his earlier experiences in America:—*

His Diary, 1792–1795, states: Je suis parti d'Orléans, le 9 février, 1792, pour me rendre à Paris . . . Le 25 mars, Dim. de la Passion, j'ai été ordonné Prêtre dans la Bibliothèque du Séminaire des Irlandais . . . Le 4 avril, nous sommes passé à Honfleur pour nous joindre à M. Matignon . . . Le 9, nous avons fait voile dans un vaisseau . . . Le 24 juin, mouillé dans le Bassin de Baltimore . . . Le 8 juillet, j'ai célébré ma 1ère Messe. Le 9 août, je suis parti pour Philadelphia: vertu et science de MM. Fleming, Graessel, etc. . . . Le 14 décembre, '92, j'ai pris le Stage pour Bohemia; honnêteté de M. Beeston. *20 Feb., 1793; from Bohemia to Baltimore; thence, 25 Feb., to Newtown, till 6 June. After eight days passed in the Seminary at Baltimore, again to Bohemia.* Le 9 décem., 1794, je me suis rendu au Séminaire pour y refaire ma santé. *At the end of March, to Newtown.* Le 27 avril, je suis parti pour Bohemia, afin d'aider M. Tessier. . . . Le 31 mai, je suis parti pour Baltimore, pour aller en suite à Georgetown, où j'ai demeuré jusqu' à 11 août. . . . Le 24 août, je suis allé à Port Tobacco, pour traiter des affaires de Bohemia . . . Le 22 sept., je suis arrivé à Bohemia pour y faire ma résidence permanente. *M. Tessier was then recalled from Bohemia to the Seminary, 4 May (1795?).* (*Baltimore Diocesan Archives; a copy, Georgetown College, Devitt Papers, from notes of Rev. J. A. Frederick.*)

On the 30 April, 1799, the Directors of the Seminary received a notification from Fr. Sewall, secretary, that the Corporation would resume the administration of Bohemia. Four months then passed, till 22 Aug., when a formal surrender of the property was made by the Seminary, with proposals regarding the profits of the current year, for the length of time during which the Seminary should still keep the administration. *M. Nagot admitted that* the time of our administration was so far protracted. *But, on 20 Sept., the Directors wrote again that Fr. Beeston, "on his return from Portobacco," had conveyed the decision of the Corporation, which was not disposed to protract the business further:* Que vous ne seriez pas tout-à-fait disposés à nous laisser la portion des revenus de Bohemia, qui répond à la durée du tems de cette année que nous l'avons possédée, c'est-à-dire, jusqu' à la retraite de M. Maréchal. *The Corporation, assuming all the assets and debits of the year 1799 for the portions of Bohemia rented out to other parties, left to M. Marechal the profits of the home farm:* [*La récolte*] du lot près de la maison, qu'on laissa à Mr. Maréchal. *See* No. 170, R–U. *Father Beeston, in the name of the Corporation, took charge again, as he had been in charge before.*

From the original correspondence of M. Marechal with Mr. Hugh Matthews, lawyer, Warwick, Cecil Co., where Bohemia lies, it appears that the abbé was at his post as late as the end of August, 1799. Thus, on 29 Aug., '99, H. Matthews addresses a letter to The Rev. Mr. Marechal [*and*] Mr. Jas. O'Donald, Bohemia, *giving his opinion as arbitrator in an issue between them. On 13 Sept., '99, a date which coincides closely with Beeston's* retour de Portobacco, *apparently on his way to Bohemia, A. Marechal writes from the Baltimore Seminary to Mr. Hugh Matthews, and says that the Sulpician Fathers want him to stay there; but Mr. Carroll* testified to me, if resolved to leave Bohemia, he would be glad I should agree to go to Conewago. I

sede Baltimorensi nimis distans est. E contra purus est aer praedii White Marsh, et est parum a Baltimore distans.

(2°) Dicere possunt Jesuitae quod in White Marsh suos novitios habent. Verum domum ligneam quam incolunt nullius est fere valoris. Sine alicujus momenti dispendio possunt suos novitios ad aliud ex suis praediis removere sicuti pluries jam fecerunt.

Insuper si absolute velint in White Marsh suos novitios retinere, archiepiscopus Baltimorensis non adversabitur. Servent, si velint, cappellam, domum presbyteralem et caetera contigua aedificia, imo ducenta vel etiam trecenta jugera terrae circumjacentia. Praesens archiepiscopus, qui Societati huc usque patrocinatus est, mentem non habet eam destruendi. Quod aequum et justum est tantum requirit.

Et si objiciatur quod melius sit praedium White Marsh praedio Bohemia, illud sponte agnoscitur.[7] Sed Sacra Congregatio observare debet per sex annos a Jesuitis archiepiscopum Baltimorensem redditibus, ad quos jus habet, fuisse spoliatum. Igitur ad aliquam compensationem etiam titulo justitiae jus habet.

Propaganda Archives, Acta (Baltimori), 1822, ff. 264ᵛ–266; Sommario, Num. VIII. *See infra,* No. 210.—*Rome, English College Archives, Letters from Baltimore and Quebec,* ff. 100–106; *a copy, like others which follow here. They were the copies taken by Dr. Robert Gradwell, Rector of the English College, who was acting in Rome as Marechal's agent. The letters sent by Marechal to Gradwell himself are original. The transcriber of the copies was no adept in French, and knew nothing of English.—Georgetown College MSS. and Transcripts, Marechal Controversy; Shea's incomplete copy,* ff. 62ᵛ, *seqq. Ibid., notes of Marechal,* ff. 48–54, *in the hand of a Roman copyist, with date given:* Romae 20 aprilis, 1822.—*Card. Fesch was the reporter of the case in the Sacred Congregation of the Propaganda. The three printed reports or briefs or* Sommarii, *1822, 1824, 1826, leave much to desire in point of editing, and the orthography of Marechal, the use of accents in French, etc., are defective there as in the manuscript papers. In the editing of these Documents, we take the originals or copies as we find them, only now and then, when distinctness requires it, adding accents, or correcting flagrant errors, where the sense cannot be affected. This remark applies also to the grammatical constructions of Marechal's Latin.*

have not as yet taken any party. *At the end of the letter he says:* It is determined I will not come again to Bohemia to live. (*Md.–N.Y. Province Archives,* 46; *original Bohemia correspondence of Marechal, Matthews, Tessier, Beeston; Marechal's letter of 13 Sept., '99, 3 pp. 4to.*)

From these data may be inferred the course of Marechal's movements during the first seven years of his stay in America, when he lived almost entirely in the houses of ex-Jesuit proprietors; as also the reasons for his retiring from Bohemia.

[7] *Cf.* No. 135, A, Prop. 14: Et quidem tellus White Marsh longe minus est ferax tellure praediorum Bohemiae, *etc.—The offer made in the preceding paragraph, of allowing the Jesuits to retain their church, house, etc., at White Marsh, with 200 or 300 acres around, meant also their gratuitous service and the maintenance of the mission at their own expense; since, according to the terms of the analogous assignment of Bohemia made in favour of Carroll, the Corporation had annexed to the grant of the usufruct this burden of supporting the local mission. See* No. 178, Q, *resolution of the Corporation (11 Sept., 1806); cf. also* Nos. 117, note 3; 119, note 4.

Rozaven's critique on the Marechal papers.

Father John Rozaven, Assistant to the General Father Luigi Fortis, and chief writer of the Jesuit documents (*cf.* No. 202, *his letters to Grivel*), *drew up a critique on the documents of the* Sommario, *presented by Marechal. It was submitted to Cardinal Fesch, reporter, on May 18, 1822, for it is clearly alluded to by Marechal* (*infra,* E), *whose autograph draft in reply is remarkable for its brevity. We have inserted above in different places, by way of footnote commentary, many of Rozaven's nine points. Hence we merely refer to them here, and add what will complete the paper, which consists of three full letter-sheet pages and seven lines, a closely written draft or copy without signature or date, and without any corrections.*

B. (1822, 18 May.)

Controversia inter Ill. archiepiscopum Baltimorensem et PP. Americanos Societatis Jesu, de bonis temporalibus, potest quidem implicata reddi; at in se simplicissima est, et facile solvitur ex sola expositione eorum quae, in patrocinio causae non bonae, necessario exciderunt Praesuli Ill^mo.

1. *The contradiction between the assertions, that the Fathers "constantly and without any controversy" granted an income to Marechal's predecessors, as "a sacred and evident right," and yet that Carroll "constantly even till his death" defended the right of his see, that he "constantly judged the conduct of the Jesuits to be a manifest violation of public and private right." See supra,* No. 116, C, note 3.

2. *The contradiction between the assertions, that Carroll "never had any more controversy about temporalities with the Jesuits, his old colleagues," and yet that he "insisted with new ardour of mind on having some part at least of the Corporation's property dedicated to the support of his successors and of the Baltimore secular clergy; but it was obstinately denied him." See supra,* No. 115, § 24, note 40.

3. *The contradiction, that the ex-Jesuits had "thrown into one common mass all the property they possessed, as well what belonged to the Society, as what had been deposited with them in trust by pious donors, assigning all to the perpetual support of the Maryland clergy, and that the Assembly had accepted this offering;" and yet, on the other hand, that Marechal is "requiring of the Fathers of the Society no property which belongs to the Society: let them keep their own." See supra,* No. 115, § 31, note 45.

4. *The tampering with the text of the attempted contract between Carroll and Molyneux, by the insertion of a gloss, without saying it is an insertion of*

Marechal's, and by the omission of an Article in Carroll's text which precisely contradicts the gloss; as also by submitting an Italian translation which changes the original. See supra, No. 115, § 23, Art. 3, note 36.

5. *The falsity of the assertion that the destination of the old Jesuit property was changed by the Act of the Maryland Legislature: shown* (1) *by the evident purpose and express words of the Act;* (2) *by the statutes of the very persons who asked for the Act, and who ought to know what they asked for and what they got;* (3) *by the plain testimony of Carroll, who, as cited in the preceding paragraph, expressly admits that "the Corporation possesses for the Society," and that "an income was granted him from the property of the Society." The argument derived from that Act by Marechal was discussed in the General's letter, from* § 10 *to* § 16 [*see* No. 116, D, §§ 10–16], *with arguments so conclusive that, in view of the arduous task before him if he tried to refute them, the prelate answered only with some general observations* [*see* No. 117, E], *which are totally beside the question:* Ut, cum eas refellere opus esset nimis arduum, observationes tantum generales eis opposuerit Ill. Praesul, quae argumenta ibi breviter exposita ne leviter quidem attingunt, nedum eorum vim infringant.

6. *The invalidity of the contract attempted by Father Molyneux was demonstrated so clearly in the same letter, from* § 17 *to* § 24 [*see* No. 116, D, §§ 17–24], *that the prelate has answered nothing at all, and could not answer:* Ut nihil prorsus responderit, sed nec respondere potuerit.

7. *One assertion of the prelate remains, that the Society holds property which does not belong to it. This has been answered already ten times—Prove it. The Society is no more minded to hold what belongs to others than to be stripped of what belongs to itself.* Ad hoc jam decies responsum est. Probetur Societatem talia bona possidere, et sine cunctatione ea restituet ad quos pertinent. Certissimum enim est Societatem tam parum velle aliena possidere, quam propriis spoliari.

8. *The prelate says that he wants "just the same income" as his predecessors received* [*see* No. 116, C, *ad init.; Ibid.*, C, 2°, *ad init.*]. *But Carroll had first a pension, then Bohemia; Neale, again, accepted a pension. The prelate does not want a pension; Bohemia he puts aside; he prefers White Marsh; and asks the Sacred Congregation to give it to him* [*see* No. 121, III. Notae, 3°]. *To explain all this diversity in the meaning of "just the same income," the prelate answers that Neale, on resigning Bohemia, made a compact with the Corporation* [*see* No. 116, C, 2° *ad* note 8]. *Where does this compact lie hid? What are its words? Who signed it? Why is it not produced? Why does not the smallest trace of it exist? Did Neale keep no copy for his successors, either unmindful of his See, or a traitor to it?* Aperte dicamus, ut res est: ista conventio merum est figmentum. Si autem nullam conventionem fecit DD. Neale, abdicans possessionem praedii a suo praedecessore possessi, signum est manifestissimum ipsum non putasse ullum jus ad hanc possessionem competere sedi suae.

9. Narrat se, in America, successive proposuisse rem committere

decisioni episcoporum Americanorum, deinde judicio sacerdotum sua integritate, scientia et pietate insignium, vel tandem, si Jesuitis placeret, arbitrationi tum sacerdotum, tum jurisperitorum; cum autem Romam venisset, exhortatum esse P. Praepositum Generalem, ut tam gravi controversiae amicabili negotio finis imponeretur; et primo quidem visum esse P. Generalem ultro assensum praebere; verum se, ex tenore ultimae ejus epistolae dolentem videre omnes conatus suos ad pacem obtinendam irritos fore. V. Ep. ad Eminentissimos Card. S. Congreg. p. 48.[8]

Marechal's mode of procedure.

Quid Ill. Praesul egerit vel proposuerit in America, sit penes ipsum fides; quid Romae factum sit, scimus. Non solum P. Praepositus Generalis visus est ultro assensum praebere, ut huic controversiae finis amicabiliter imponeretur, sed neque, ut hoc desideraret, ulla exhortatione indigebat, siquidem ipse non semel, tum ante tum post scriptam epistolam, invitavit Ill. Praesulem ut arbitros eligeret. Quid autem in ea epistola est, unde putare debuerit Ill. Praesul abjiciendam esse spem pacis? An, quando res ad arbitros defertur, non debent utriusque partis exponi rationes? An suas tantum audiri voluisset? Suas exposuit P. Generalis, libere quidem et aperte, ut debuit, sed servata debita reverentia erga dignissimum adversarium; epistolam autem suam clausit his verbis: "Utrum vero omnia ista vere et solide demonstraverim, sit, si ita placet, judicium arbitrorum communi sensu eligendorum, quibus libenter consentio ut haec mea responsio cum epistola Tuae Amplitudinis examinanda communicetur."

Post tres menses audierunt Jesuitae negotium delatum esse ad S. Congregationem. Absit ut Praepositus Generalis Eminentissimos Cardinales arbitros recuset, vel potius non toto animo complectatur. Verum non potest non reclamare contra conditiones manifeste iniquas ab Illustrissimo Praesule propositas.

Vult enim ut, si pro se judicet S. Congregatio, Jesuitae omnino cogantur obedire, et se submittere huic decisioni; simul vero declarat, casu quo contra se judicet S. Congregatio, semper liberum fore archiepiscopis Baltimorensibus recurrere ad justitiam senatus Marylandiensis. VIII, sect 3, Litt. C. p. 62 et 63, in nota data die 20 aprilis.[9]

Marechal's stipulation: that only his adversaries be bound to obey.

Nullam igitur aliam potestatem agnoscit in Sacra Congregatione, nisi damnandi suos adversarios. Hinc patet, quales arbitros potuerit velle qui nec judices quidem admittat, nisi ea conditione ut pro se pronuntient.

Plura ibidem proponit consideranda S. Congregationi.[10] Sed unum omisit: nimirum, si Jesuitas damnet S. Congregatio, non sufficere ut praecipiatur ipsis obedientia, ad quam sunt paratissimi, sed etiam requiri, ut efficiatur possibilis. Videtur necesse, ante omnia, habere accuratam informationem de statu temporali Societatis in America; nam protestamur eum esse valde diversum ab eo

Information needed from America.

[8] No. 116, E.

[9] No. 121, A, III., His positis, 2°.

[10] *Ibid.*, III., *and* Notae.

quem Ill. Praesul contendit. Praeterea necesse esset, ut administratores Societatis absolverentur a juramento quod, ab initio institutae Corporationis, semper praestitum est coram magistratu civili, administrandi ea bona secundum statuta Corporationis;[11] et simul ut securi redderentur contra omnia quae accidere possunt ob violatam legem civilem.

General Archives S.J., Maryl. Epist., 6, i.

No decision was arrived at in the Sacred Congregation of the Propaganda. The question assumed a new form. A committee of arbitration was appointed, consisting of three Cardinals, including Fesch. The General Father Fortis acceded to the proposal of a Concordat, della qual convenzione si degnano le Eminenze loro essere gli arbitri (*May 10*, § 1), *favouring Marechal with a contribution from the Jesuits in Maryland to the Ordinary of Baltimore, just as the faithful in America contribute. Two documents of his formulate the conditions, which he lays down as indispensable; in particular, that no right whatever can be recognized in the See of Baltimore to any property possessed by the Jesuits in America.*

Sequence of documents on the question of property.

C. 1822, May 10.

Lettre du P. Fortis aux Card[s] Fesch, Castiglioni et De La Genga Rome, 10 Mai 1822. *See* No. 203, A.

Georgetown College MSS. and Transcripts, Marechal Controversy; Marechal's autograph notes, ff. 14[v]–15[v].

D. (1822, May 18.)

The General Fortis to the committee of Cardinals. See No. 203, B.

This seems to be the letter to which Marechal refers (infra, E), *as dated on May 18, the same date as that on which Rozaven's critique (supra,* B) *was submitted. Cf. infra,* E.

General Archives S.J., Maryl. Epist., 6, i., document G; *Father Fortis's autograph.*

E. (1822, May.)

Marechal's comments on Rozaven's critique (supra, B); *and on Fortis's letter of May 18 (supra,* D). *His autograph notes contain a few lines of reflection on a part of Rozaven's ninth point. The rest, he says, "merits no reply." As to the letter of Fortis, he "has answered briefly some scholastic*

[11] *Cf.* Nos. 117, E, note 16; 119, note 12.

chicanery," and he confesses to a sense " of shame for having replied to these scholastic subtleties ; " so he proceeds to some remarks of his own suggested by the close of Father Fortis's letter.

DIFFERENTES COPIES.

Notes a la lettre du P. Rozaven, 18 mai 1822, au Card. Fesch.

Je ne crois pas jamais avoir dit que, si la Propagande rejettoit mon droit j'aurois recours a la Legislature du Maryland. J'ai seulement dit que dans ce cas la sentence de la Propagande n'oteroit pas a mes successeurs le pouvoir de s'addresser a ce tribunal supreme.[12] Seroient ils excusables ou non? C'est une autre question. (Voyez mes notes.)

Marechal. His see and the law Courts. Declines answering Rozaven.

Le reste de cette lettre ne merite aucune reponse.

+AMB. A.B.

P.S.—Cependant les raisonnemens du P. Rozaven qui terminent cette lettre sont très dignes d'attention. La Bulle de Pie VI. toute expresse qu'elle soit, n'est d'aucune autorité a ses yeux.

Notes a la lettre de P. Fortis, même date, et envoyée aussi a son Eminence.

Après avoir repondu brievement a quelques chicaines scholastiques, je termine ainsi :

" Ce n'est pas en verité sans une sorte de honte que j'ai repondu a ces arguties scholastiques. Mais la lettre du P. Fortis est terminée par un doute sur la possibilité d'obeir, qu'il est important d'eclaircir. 'Supposé,' dit-il, 'que la Congregation condamne les Jesuites, leur sera-t-il possible de se soumettre a la sentence sans enfreindre la loi civile et le serment qu'ils ont fait?'"

Jesuit scholastic subtleties.

1° Quant à la loi civile, point de difficulté. La Corporation du Clergé du Maryland a le pouvoir, comme l'ont en general toutes les corporations, de vendre, d'acheter, de prêter, d'emprunter, de prendre et de donner a bail, de poursuivre en justice leurs debiteurs, etc., etc., etc., en un mot de faire toutes sortes de contrats, ainsi que le peut faire un citoyen des Etats Unis. Ainsi donc, sans la moindre transgression de la loi civile, ils peuvent me transmettre par un contrat quelconque les proprietés d'une plantation ; et s'ils refusent a executer la sentence, qui peut-etre sera prononcée contre eux, ce sera, non parce que la loi civile s'y oppose, mais par un acte très volontaire de désobeissance à l'autorité du S^t Siege.

Civil law will allow of a Jesuit assignment to Marechal.

2° Quant au serment, ce seroit un point de morale a resoudre, de savoir

[12] *Cf. supra*, A, III., His positis, 2° ; B, 9. *Rozaven had quoted Marechal exactly :* archiepiscopis ; *the latter here changes his own text into* mes successeurs.

en premier lieu s'il est legitime ; c'est à dire, si des religieux, après avoir fait un abandon solemnel des biens qui leur etoient confiés, pour servir a l'entretien des ministres de la religion catholique dans le Maryland, peuvent en conscience se les approprier entierrement et s'obliger même par serment a en exclure la plus grande partie des ministres de la religion catholique, qui travaillent aussi bien qu'eux au salut des ames dans la province. Certainement beaucoup de personnes refuseroient de preter un semblable serment, sans qu' elles pussent être traitées de têtes foibles et scrupuleuses. Mgr. Carroll s'y est constamment refusé.[13]

The illegitimate Jesuit oath against such assignment.

Mais supposons même que ce serment soit legitime, quelle difficulté oppose-t-il a l'execution de la sentence du S^t^ Siege? Car assurement le [*ce?*] serment ne peut empêcher les Jesuites de remplir un devoir de justice. Et si le S^t^ Siege, qui est un juge competent, prononce qu'en justice ils sont obligés de me transmettre la possession de White-Marsh ou de Bohemia, comment le serment qu'ils ont fait peut-il être un obstacle a ce qu'ils me remettent un de ces biens?

The Jesuits' oath *versus* a title of justice in Marechal.

Le dernier paragraphe de la lettre du P. Fortis n'est veritablement qu'un ruse de guerre, afin de se sauver dans le cas d'une defaite.

+Amb. A.B.

Rome, 19 may, 1822.

P.S.—Si V. E. juge à propos de se rendre au désir du P. Rozaven, je n'ai pas la moindre difficulté a ce que ces pieces soient communiquées aux membres de la Congregation.

= defaite.

On me dit encore qu'il tachera de n'en point venir a un accommodement final sous pretexte qu'il n'a pas les informations suffisantes sur la nature et l'etendue des biens que ses sujets d'Amérique possedent.

Je puis sans crainte assurer la S. Congregation que telle est la masse d'informations qui lui a été transmise d'Amérique tant par le P. Grassi que par le P. Kenney qui a passé dans le Maryland, il y a pres de trois ans, en qualité de Visiteur, que le P. Fortis a des connoissances bien plus exactes et plus etendues de leurs propriétés, que je n'en ai ou que j'en puis jamais avoir.

No need of the General's obtaining information from America.

Le bien de l'Eglise et le desir que j'ai de vivre en paix et en bonne intelligence avec les Jesuites de mon diocese demandent hautement que je ne me retire point de Rome,[14] sans avoir terminé, d'une maniere durable

[13] *Cf.* Nos. 117, E, note 16 ; 119, [*v.*], note 12 ; 168, A, 24º, C.

[14] *Cf.* No. 116, E, *ad fin.* *Between the demand there that he be despatched as soon as possible* ad dilectissimam meam sponsam, Ecclesiam Baltimorensem, *and this declaration here that he cannot go till the Cardinals decide, there was no room left for the introduction into the case of information from America.* *Cf. infra*, J, Secondo.

This elimination of authentic data from the case would seem to have caused some difficulty, when the assignment of White Marsh to Marechal was in the last stage of

et solide, toutes les causes qui nous ont malheureusement divisés, soit sur le spirituel que sur le temporel.

30 mai 1822.

(Les Card[x] Paca, Somaglia et Castiglione).

Georgetown College MSS. and Transcripts, Marechal Controversy; autograph notes of Marechal, ff. 13, 14; *continued from* No. 119.

Cardinal Fesch's draft of a Concordat (*infra*, No. 203), *submitted by him to the General, 18 June, 1822* (*Ibid.*), *contained more than Marechal had ever previously demanded, and, excepting three elements, fulfilled none of the conditions laid down by the General, but repeated several times the absolute statement, that Father Fortis "recognized the right of the archbishop" to a Jesuit estate in perpetuity to make for himself an episcopal mensa. The General, on the same day* (No. 204), *declining to proceed farther with such terms of arbitration, rehearsed for Fesch the three minor elements of his conditions, which he found in the project submitted: one being that the Pope, in his administrative capacity, should give command in the premises, after both parties had come to an agreement. This was the element which gave occasion to the mode of procedure by a Papal Brief, the documentary sources of which, as well as its text, are to be seen infra* (Nos. 203–205). *The attitude of the General, Father Fortis, in the case, was now similar to that assumed by the General, Father Vincent Carrafa, one hundred and seventy-five years before (9 Mar., 1647), in the face of Lord Baltimore's exactions. Cf. supra*, No. 6, R.

negotiation. In his autograph notes we find a document meant to fill the gap. He writes to Card. (*Fesch*), *on the 28th of June, 1822. Referring to the General's statement that he "does not know the farm of White Marsh," Marechal says, that Father Fortis "has actually with him five persons, who can instruct him perfectly, and impart even to the committee of Cardinals,"* aux Cardinaux négociateurs, "*all the information necessary.*". *Then he gives the full names and ages of six young American Jesuits, at present in Rome: Mulledy, McSherry, Smith, G. Fenwick, Ryder, Young. The "five first received part of their education at White Marsh itself;" they were tonsured there and received minor Orders; as Americans habitually talk of politics and agriculture, these, who have lived upon that farm, run over it "a thousand times," conversed with the lay brothers and the negroes, must be "perfectly conversant with its extent, quality of soil, products, etc., etc., etc."* ¶Comment n'ai-je point pensé jusqu'a present a ce moyen présent et infallible de refuter l'ignorance affectée du P. Fortis? Mon bon ange, je crois, l'a presenté a mon esprit ce matin en me reveillant. *Then he writes and deletes the following paragraph:* ¶Si donc il n'etoit pas trop tard, les Card[x] negociateurs pouroient faire venir ces cinq jeunes gens en leur présence et obtenir d'eux tous les renseignements qu'ils peuvent desirer. Il seroit cependant essentiel de ne leur point faire connoitre le motif de cette invitation, de peur qu'on ne leur dise d'avance ce qu'ils doivent repondre aux questions de leurs Eminences. Il seroit egalement necessaire de les examiner séparément. *He continues:* ¶Je m'empresse de vous le communiquer; *and he desires that the Cardinal will make the most fitting use of it.* (*Georgetown College MSS. and Transcripts, Marechal Controversy; Marechal's autograph notes, f. 23.*)

F. 1822, July 23.

The Papal Brief of 23 July, 1822; about White Marsh. See text, No. 205.[15]

This Brief rehearses in the preamble that there was a question of right agitated between the two parties; that no decision had been arrived at in the General Congregation of the Propaganda; that the system of arbitration had been adopted. This failing, the same Sacred Congregation had formulated a decree on the 8 July, 1822, with a view to obtaining the Pontifical approbation for settling an episcopal mensa in behalf of the Archbishop of Baltimore on the landed temporalities, which Pius VI. had committed to the administration of the Ordinary of Baltimore. Then follow the particulars of a decree, regarding the surrender of White Marsh by the Jesuits to Marechal. There is no statement or minor proposition interposed to connect or identify the said temporalities of the Ordinary with the property of the Jesuits.

Upon this preamble the Pope sanctions the decree so submitted, without any affirmation of right or of fact in the case; and, with a usual formula of office, rectifies all defects of right and of fact, if any have crept into the premises; and orders the General of the Society, as in duty bound by virtue of obedience, to execute this administrative act.[16]

Intimately involved in Mgr. Marechal's claims to Jesuit property was his demand for an extensive jurisdiction over themselves. Sufficient

[15] *Cf. text in the* Bullarium Romanum, *and the* Bullarium *of the Propaganda, with descriptive titles.* Bullarii Romani Continuatio (*A. Barberi, R. Secreti, 1853*), XV. 554-556, No. 1056: Confirmatio concordiae initae inter episcopum Baltimorensem et patres Societatis Jesu super jure percipiendi annuam pensionem super fundis ejusdem Societatis.—Juris Pontificii de Propaganda Fide Pars Prima (*R. de Martinis*), IV. 615–617, No. 103: . . . Oborta inter archiepiscopum Baltimorensem et patres Societatis Jesu in Marylandia controversia de praedio White Marsh, quod primus ad mensam archiepiscopalem pertinere contendebat, propositam a S. Congregatione concordiam probat, qua statuitur, patres immittere statim debere archiepiscopum in possessionem praedii quoad bis mille jugera, salva tamen mutatione praedii, si qua expediret, per S. Congregationem postea concedenda, archiepiscopum vero relinquere debere patres in possessione pacifica aliorum bonorum.

[16] *In the correspondence which follows, Marechal, while using the avenue of appeal to the Pope on the subject of Jesuits disobeying the Brief* (Nos. 123, p. 486; 133, B), *objects to His Holiness being referred to on the merits of the question itself; because the Pope, sanctioning the Propaganda's decree by a Brief, is not presumed to know the merits of the decree so sanctioned.*

Writing to Gradwell (*4 Jan., 1823*), *the Mgr. deprecates any appeal being made by the American Jesuits to His Holiness, because, as he implies, the Pope does not know the merits of the case*: Non aux cardinaux instruits du procès, mais immediatement a Sa Sainteté (No. 125, B); Leur but est d'agir directement avec le S. Pontife, laissant de coté les cardinaux instruits de l'affaire (No. 128, *17 Jan., 1823*). *This distinction agrees with the principle of English common law applied in similar cases, when the Crown makes a grant needing subsequent revision. See infra,* No. 205, *ad fin.* (*cf.* 1 *Blackstone's* Commentaries, 246; 2, *ibid.*, 348; 1 *Stephen,* Comm., 621; 2, *ibid.*, 479; *M. D. Ewell,* Elements of the Law, i. 44, 240).

On other occasions Mgr. Marechal gives expression to his own opinion that the Cardinals themselves of the Propaganda do not understand the bearings of an American question, nor even know the geography of America. Cf. infra, Nos. 135, note 50; 184, *31 Dec., 1819, to Grassi.*

indications of what he desired we have given in documents above, without swerving too much from the line of this Excursus on property. See his letter to Card. Fontana, 19 Aug., 1820, first part (No. 115, §§ 3–8), *and his* Quaestiones propositae ab archiepiscopo Baltimorensi Sacrae Congregationi de Propaganda Fide (No. 120).

A decree on the subject was formulated in the Propaganda, 3 June, 1822; was approved by His Holiness, 21 July; and signed by the Pro-Prefect of the Propaganda, Card. Consalvi, 27 July. In substance it reaffirms former provisions made by Benedict XIV. for England.

The introduction of the subject officially in Rome is as early as that of the property question, both issues being stated by the Secretary of the Propaganda (20 Jan., 1821), in a letter to Father Fortis, and that on jurisdiction being put in the first place. The statement of each issue is alike, in that it is totally different from what the Jesuits made. As to jurisdiction, the state of the question turns upon the clause: (invito Episcopo). *As to property, it rests upon the assumption expressed in the Secretary's letter, that the revenues of the archiepiscopal mensa are being disputed by the Jesuits, who want to have them. It was under this double aspect of Marechal's presentation, that the Sacred Congregation of the Propaganda occupied itself during six months, in the year 1822, with the affairs of the Jesuits in America.*

Sequence of documents on the question of jurisdiction.

G. 1821, January 20.

The Secretary of the Propaganda, Mgr. C. M. Pedicini, 20 Jan., 1821, to Father Luigi Fortis, General of the Society; relative to the claims made by Mgr. Marechal, in a letter addressed to the Cardinal Prefect of the Propaganda (Fontana). Cf. supra, No. 115.

Dalla Propaganda,
li 20 gennaro, 1821.

Monsr. Arcivescovo di Baltimore in una sua lettera diretta all' Emo Card. Prefetto si duole di due questioni insorte tra esso ed il Superiore dei Gesuiti colà dimorante. La prima riguarda la rimozione (invito Episcopo) di que' soggetti della Compagnia di Gesù a' quali col consenso del lor Superiore ha Egli affidato la cura d'anime. La seconda si aggira sulle rendite di quella Mensa Arcivescovile che dal Superiore della Compagnia medesima in oggi si contrastano, reclamandole come di sua ragione. Il lodato Emo, prima di proporle alla S. Congregazione, pieno,

come Egli è, di stima, di rispetto, e di attaccamento alla Compagnia, ha creduto conveniente di renderne intesa la P. V. R^ma^, affinchè sia in grado di produrre le ragioni, che militano a di Lei favore. Contemporaneamente però la prega di serbare il segreto di un tale affare, massime perchè fin quì non lo ha ad altri communicato che alla P. V. R^ma^, alla quale il Segretario sottoscritto, mentre ha il bene di participarlo, con tutta la stima si rassegna,

Dev^mo^ Serv^re^,
C. M. PEDICINI, Seg^rio^

Al P. Fortis,
Generale della Compagnia di Gesù.

General Archives S.J., Maryl. Epist., 6, i.; *original.*

H. 1822, May 22.

The Secretary of the Propaganda, Pedicini, 22 May, 1822, to Fortis. As the demands presented "by the Archbishop of Baltimore and his Eminence Card. Fesch, who is the reporter," are about to be considered in full assembly of the Propaganda, and, according to the style immemorial of the Congregation, all documents that are offered require an original signature, Father Fortis is desired to sign his, which are herewith enclosed for that purpose, or to attest them with a note.

Dalla Propaganda,
li 22 maggio 1822.

Dovendosi proporre a momenti in piena Congregazione le istanze avanzate dall'Arcivescovo di Baltimore e l'Em^o^ Sign^r^ Card. Fesch, il quale n'è il Ponente, considerando che lo stile immemorabile di questa Sagra Congregazione è di avere tutt' i documenti, che s'inseriscono dall'una parte e dall' altra, colla sua firma originale, mi ha rimesso i fogli, che accludo a V^ra^ P^tà^ R^ma^, affinchè si compiaccia di sottoscriverli originalmente, oppure di ritornarli accompagnati con un di lei biglietto. Sicuro lo scrivente di riaverli quanto prima sul divisato modo, con tutta la stima passa a rassegnarsi,

Dev^mo^ Serv^re^
C. M. PEDICINI, Seg^rio^.

P. Preposito Generale Fortis
della Compagnia di Gesù
(Fogli).

General Archives S.J., Maryl. Epist., 6, i.; *original.*

J. 1822, May 24.

The General Fortis, 24 May, 1822, to the Secretary of the Propaganda. The documents received: viz. the Report (*supra*, No. 118) *and the Catalogues* (No. 118, § 18, *ad fin.*). *The Catalogues are those of the year*

1817, for Russia and the Jesuit Missions in America. Their authenticity is to be derived from the authority of the Superiors by whom they were drawn up. Many changes have taken place since that time; and the number of Jesuits in America has much increased. As to the Report, that was drawn up only on behalf of the Superior in America. Though the General has not the least doubt of its accuracy, it is not for the General to sign: first, because the narrative contains many statements of fact, for which the proofs, especially "legal and juridical" proofs, are not on hand, but must be derived from America; and that is the alternative now before Mgr. Marechal, if he undertakes to deny any of the facts there stated; secondly, because the facts which might be challenged are of little import for deciding the controversy. Mgr. Marechal rests his claims on three grounds: " 1º *The missionaries had paid his predecessors without controversy;* 2º *the Act of the Maryland Assembly;* 3º *a contract made with Father Molineux." These three grounds have been exhaustively examined in the General's own original answers to Marechal (supra,* No. 116, B, D), *and in the annotations signed and submitted by him to Card. Fesch, reporter* (No. 121, B, C, D). *These answers are enough. Let Marechal confute them, and he has won. If he cannot confute them, all his own grounds of a claim have vanished.*

As to the controversy regarding episcopal authority over Jesuit missionaries, there is no need of answering a syllable; for it is all settled by the Council of Trent and the Constitution of Benedict XIV. for the English Missions, in which were comprised the Missions of what are now the United States of America.

See No. 118, note 1: *Marechal's explanation of the Report, and of the General's refusing to "recognize or to sign it."*

Dalla Casa Professa di Roma. A Mgr. (Pietro Caprano),[a] Segretario di Propaganda. 24 Maggio 1822.

In riscontro del cortese viglietto, che s'è degnato V. E. R^ma^ di mandarmi Mercordì sera, e in risposta a ciò che mi ricerca intorno l'Informazione e i Cataloghi al viglietto annessi; ecco quello che con tutta verità e precisione posso rescrivere.

Primo: Il Catalogo della Compagnia nostra in Russia non veggo, che possa recar di luce a definire la controversia attuale tra M^r^ l'Arcivescovo di Baltimore e i Gesuiti Americani. Quel Catalogo fu impresso coll'autorità dei Superiori di allora in Russia; e siffatte cose altra autenticità non possono ricercare. Per simil modo e autentico il Catalogo dei Gesuiti delle Missioni di America; ma solo per l'anno 1817, per cui fu fatto; essendo certo che da quel tempo in appresso sino al presente molte mutazioni si sono fatte. Inoltre il numero de'Gesuiti colà è molto e notabilmente cresciuto.

Secondo: Quanto all'Informazione, questo non si puo riguardare che

(a) *Here the amanuensis of the General's Register had lost the name of the actual Secretary, Pedicini.*

come fatta in nome soltanto del Superiore dei Missionarj Americani. Questa Informazione medesima a me non ista a sottoscrivere ; nè debbo ciò fare : non già perchè io abbia il menomo dubbio della verità di tal narrazione ; ma per due chiare ragioni. Prima—Perchè la narrazione contiene molti fatti, la prova dei quali, massimamente legale e giuridica, io non posso esibire al presente alla S. Congregazione, non essendo mi stata mandata dall'America. Quindi, se questi fatti venissero negati da Mons^r Arcivescovo, io non potrei far altro che procurarmi da America i documenti autentici di cotesti fatti medesimi. Seconda—Perchè cotesti fatti, della cui verità si volesse disputare, o poco o niente valer potrebbono a decidere la controversia agitata al presente. Perocchè Mons^gr Arcivescovo reca tre fondamenti di sue pretese : 1º Che s'è dai Missionarj senza controversia pagato ai suoi antecessori. 2º Il decreto del Senato del Maryland. 3º Un contratto fattosi col P. Molineux. Ora questi tre fondamenti si sono discussi abbastanza nelle mie risposte alla lettera di Monsignore, e queste stesse mie risposte vengono a confermarsi dalle annotazioni pur da me soscritte e umiliate a S. Em^za R^ma. il Sig^r Card. Fesch Ponente ; delle quali mando anche una copia a V. Ecc^za R^ma. Dunque ciò basta all'oggetto di che ora si tratta. Il degnissimo avversario le confuti, ed ha vinto ; ma se non può confutarle, cadono i tre fondamenti suddetti, su cui la questione tutta è da lui stabilita.

In fine, quanto spetta alla controversia intorno l'autorità Vescovile sui Missionarj nostri, io non giudico di rispondere una sillaba. Dappoichè io non posso ripetere altro che il Jus Commune di tutti i Religiosi, secondo il Concilio di Trento, e la Costituzione di Benedetto XIV. De Missionibus Anglicanis ; nelle quali al tempo, che fu fatta la stessa Costituzione, comprendevansi anche le Missioni degli ora Stati d'America.

E ciò ho scritto per ubbidire ai comandi suoi, col piacere di protestarmi in ciò anche col fatto, quale avrò onor d'esser sempre,

Di V. Ecc^za R^ma

D^mo Ubb^mo Ser^re

General Archives S.J., Epist. R.P.N. Al. Fortis, Lib. I. pars 1, No. 27, pp. 36–38.

K. 1822, July 27.

Decree of the Propaganda, signed 27 July, 1822, on the question of jurisdiction, between the Ordinary of Baltimore and the Jesuit missionaries in the diocese ; conveyed officially by the General of the Society, 6 Aug., 1822, to the Superior in Maryland.

It is substantially a reaffirmation of the Constitution, Apostolicum Ministerium, *issued by Benedict XIV., 30 May, 1753* (*infra*, No. 192), *but with a clause*, Ac nisi antea, *upon which Mgr. Marechal started a new, or*

prolonged the old controversy with the Jesuits in Maryland. The clause stated that, in the substitution of one approved missionary for another by the religious Superior, the Ordinary should be notified beforehand of the proposed substitution. Marechal assumed that, in having a right to such previous notification, he had also a right to reject one after another of the substitutes or successors, although these were missionaries already approved by himself for the ministry in his diocese, and were serving, or were to serve, churches on the property of the Jesuits themselves. Such a policy, as the Superior, Father Dzierozynski, explained to the General, completely nullified the right of changing or substituting, invested in the Superior according to the common law and the express terms of Benedict XIV., in the Constitution Apostolicum Ministerium (Maryl. Epist., 3, i.; *24 Sept., 1825, Dzierozynski to the General*). *Dzierozynski adds the motives which Marechal seems to be imputing to the Superior, as if the latter wished to abandon parishes clandestinely and capriciously, whereas all the churches in question are the property of the Jesuits, excepting only St. John's, Baltimore. He writes thus:*

5a. Decreto hoc videtur ille Excellentissimus se semper armare contra Superiores Societatis, quasi ipsi semper intendant suos subditos retrahere a cura animarum, et quidem clam absque ulla ratione, dum tamen Superiores suas proprias domus et ecclesias, in quibus degunt eorum subditi, teneantur praeservare. Nullam autem domum vel ecclesiam in Marylandia habemus alienam, excepto Baltimore; sed omnes sunt proprietas Societatis (*cf. infra*, No. 135, A, Prop. 7, note 25).

The Sacred Congregation, in the decree which follows, made on Marechal's representation, seems to assume that the Jesuit missions in question were diocesan parishes belonging to the Ordinary, and, as such, confided by him to the Society. Cf. No. 135, B–V, *Marechal's policy.*

The General of the Society, 30 July, 1822, to Charles Neale, Superior of the Maryland Mission, communicating the decree of the Propaganda, 27 July, 1822.

Reverendo Patri Carolo Neale Superiori, caeterisque e Societate Jesu qui sunt in Marylandia salutem in Domino sempiternam.

The General writes the formal letter regarding the Brief on White Marsh (*infra*, No. 122, A).

Datum Romae in Domo Professorum, xxx. Julii, MDCCCXXII.

Cum vero haec jam ad vos dedissem et subscripsissem, ab eadem S. Congregatione de P. F. Decretum ad me missum fuit, quod verbo ad verbum hic verso folio describitur.

DECRETUM

Sacrae Congregationis Generalis de Propaganda Fide habitae die 3 Junii, 1822.

Cum Patribus Societatis Jesu, qui sacras Missiones in Americae Provinciis summo studio fructuque exercent, animarum cura in aliquibus

Marylandiae paroeciis seu congregationibus, accedente Superiorum consensu, commissa fuit ; cumque maxime intersit ne, si ejusmodi pastores a Societatis Superioribus amoveantur, eaedem paroeciae ob operariorum paucitatem pastoribus destitutae remaneant, non sine maximo animarum detrimento ; Sacra Congregatio, Em^o^ ac R^mo^ Domino Cardinali Josepho Fesch Ponente, censuit ac decrevit PP. Societatis Jesu, qui in Marylandia et in tota Dioecesi Archiepiscopi Baltimorensis animarum curam gerunt, inde a suis Superioribus removeri non posse, eodem inscio Archiepiscopo, ac nisi antea Praesides Societatis praefato Antistiti alios proposuerint qui dimittendis subrogentur, quique sint ab eodem Archiepiscopo approbati.

Hanc autem Sacrae Congregationis sententiam SS^mo^ Domino Nostro Pio Papae Septimo relatam in audientia habita per R. D. Carolum Mariam Pedicini Secretarium, die 21 Julii, 1822, Sanctitas Sua penitus approbavit, et exequutioni mandari jussit, contrariis quibuscunque non obstantibus.

Datum Romae ex aedibus dictae Sacrae Congregationis die 27 Julii, 1822.

H. Card. CONSALVI, Pro-Praef.,

\+ C. M. PEDICINI, Secr^ius^

Loco Sigilli.

Hoc igitur etiam Decretum ad vos transmitto, et ut juxta ejus tenorem et jussa faciatis in omnibus commendo et mando ; vobisque a Deo precor coelestem benedictionem.

Datum Romae ex eadem Domo, postridie nonas Augusti ejusdem anni.

General Archives S.J., Epist. R. P. N. Al. Fortis, Lib. I. pars 1, No. 44, pp. 69, 70. *Ibid., Maryl. Epist.*, 6, vi. ; *original, with the official formula :* Gratis sine ulla omnino solutione, quocunque titulo.

L. (1825.)

A petition to the Pope from the Father General Fortis.

Apparently on receiving the report from the Maryland Superior, Father Francis Dzierozynski (*supra*, K), *about the obstruction placed in the way of a regular Order's government by the interpretation given to the foregoing decree and by the policy adopted in the administration of the diocese of Baltimore, a representation was drawn up by the General, petitioning His Holiness to decide whether the decree had the effect of abrogating the law of the Church, as laid down in four Constitutions of Benedict XIV.*[17]

Libellus supplex Patris Generalis Fortis. *See* No. 193.

General Archives S.J., Maryl. Epist., 6, vi. ; *a draft or copy in Rozaven's hand, without corrections ; also without date or signature.*

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[17] *We find no answer to this petition. But, about ten years later, Pope Gregory XVI. affords a commentary on the subject, in his answer to a question analogous proposed by*

We now subjoin the substantial documents pertaining to the second stage of the controversy, when Dr. Marechal, having returned from Rome, communicated the Papal Brief to Father Charles Neale, S.J., Superior of the Maryland Mission. Neale refused to give up White Marsh to Marechal, and formulated a protest for use in Rome. The documents subjoined show the state of the case, that of urging the execution of the Brief; but they do not exhibit the course of events, which belong to a later volume of the History. They extend from No. 122 *to* No. 129, *covering only a couple of months, but showing the attitude which parties maintained during a year or two. Then, circumstances having altered, and much more radically than will appear on the face of the documents here, a third stage succeeds. The radical character of the change will be seen somewhat more fully in* Section VII.: "*Critique and Sequel*," *but in its full extent is reserved for the History.*

No. 122. **1822, July 26, 30.**

The General, Father Aloysius Fortis, to the Maryland Superior, Charles Neale. *Announces the Papal Brief; 1st, by a letter sent immediately, through the Secretary of the Propaganda, Mgr. Pedicini; 2nd, by a letter committed to the hands of Mgr. Marechal, who is to convey the Brief itself.*

the English Vicars-Apostolic. In his Brief, Accepimus litteras (*20 June, 1835*), *he says that the rules laid down by Benedict XIV. for the conduct of the English Missions "expressly admit the exemption of regulars, nay, prescribe an inviolable maintenance thereof, in what concerns observance and discipline under the rules and constitutions of the respective Order:"* § 4. Sed jam ad tertium veniamus querimoniarum caput: ad praetensam videlicet violationem regularum a Benedicto XIV. praescriptarum pro missionibus Anglicanis, et litterarum apostolicarum Pii VII. relate ad decretum a Congregatione emissum anno 1818, ad quas appellant Vicarii, cujus violationis ab eisdem insimulamur tum in iis quae ediximus, tum in iis quae nos edicturos ipsi verentur. *His Holiness observes that a Pontiff cannot violate Pontifical decrees, when he decrees anew. Neither has there been any thing adverse to the Congregation's decrees, in its communication regarding a certain convent of nuns, and the opening of the Jesuit church in London.* Siquidem de monialibus eae regulae non loquuntur, nec loqui poterant, quippe illarum non exstabant istic monasteria: regularium autem exemptionem expresse admittunt, immo et inviolatam servari praecipiunt in iis quae ad regularum et constitutionum Ordinis respectivi spectant observantiam ac disciplinam, et solum ne nascantur cum Vicariis Apostolicis collisiones et jurgia aptissime moderantur in iis, quae proprie respiciunt facultates et missionaria munera. Restat ut de precibus quas nobis porrigunt Vicarii Apostolici pauca dicamus. Petunt ipsi ut serventur statuta Benedicti XIV. et Pii VII. simul et eorum jura. Quorsum hae spectant preces? Si, attento novo rerum statu attentisque novis et urgentibus casibus, aliquid actum est praeter, nihil tamen est actum contra Benedicti XIV. statuta: quin etiam in decreto ipso a Vicariis memorato anni 1818. eadem Congregatio salva esse ea omnia expresse voluit et edixit . . . (Juris Pontificii de Propaganda Fide, Pars Prima (*De Martinis*), vii. 232, 233, No. 3).

A. 1822, July 30.

Reverendo Patri Carolo Neale Superiori, caeterisque e Societate Jesu qui sunt in Marylandia salutem in Domino sempiternam.

Cum Sanctissimus Dominus Noster Pius Papa Septimus, per Breve datum 23 hujus mensis, dignatus sit approbare et confirmare Sacrae Congregationis de Propaganda Fide decretum de mensa archiepiscopali Baltimorensi stabiliter constituenda super bonis stabilibus, quae felic. record. Pius Papa Sextus anno 1789 Episcopo Baltimorensi administranda tradiderat,[1] sub certis quibusdam conditionibus in dicto Brevi expressis; cumque Sua Sanctitas praeceptum in virtute s. obedientiae mihi imposuerit omnia, quae in dicto Brevi continentur, exequendi: ut huic sacro praecepto maxima, qua possum, fidelitate et diligentia obediam; per praesentes literas, quantum in me est, Archiepiscopum eumdem Baltimorensem immitto in possessionem praedii nuncupati White Marsh; deinde vobis per easdem commendo, et in virtute s. obedientiae praecipio, ut omnia, quae in Brevi Apostolico (ab Illustrissimo D. Archiepiscopo Baltimorensi vobis communicando) continentur, sine ulla mora vel excusatione a vobismet dentur executioni; omnia, scilicet, quorum executio ad vos pertinet, juxta dicti Brevis tenorem. Valete; meique memores sitis in SS. SS. & OO. vestris; et vos Deus in sua gratia et pace custodiat.

Datum Romae, in Domo Professorum, xxx. Julii, MDCCCXXII.

General Archives, S.J., Epist. R. P. N. Al. Fortis, Lib. I. pars 1, No. 44, pp. 69, 70.

B.

1º Lettre que le P. Fortis a remise a Monseigneur l'Archevêque de Baltimore la veille de son depart de Rome. Elle est addressée au P. Charles Neale superieur de la Societé dans les États Unis.

P. X. Romae, 26 [!] julii, 1822.

Reverende in Christo Pater,

Illustrissimus dominus archiepiscopus Baltimorensis qui cras, ut mihi dixit, discessurus est Roma, cum in Americam pervenerit, communicabit Rev^{ae} tuae litteras apostolicas datas 23 julii super controversiam inter vos et dictum Ill^{mum} dominum archiepiscopum habitam de temporalibus. Puto Rev^{mam} tuam jam accepisse litteras quas ei per secretarium Sacrae Congregationis transmitti curavi de executione, quibus me in omnibus refero.[2] Precor omnibus qui istic sunt sociis spiritum charitatis et pacis. Commendo vero et tibi et singulis ut in SS. vestris mei memoriam faciatis.

Aloysius Fortis, P. Gen.

Rome, English College Archives, Letters from Baltimore and Quebec, f. 17; *a copy. It is marked 1º, being followed there by 2º* (*infra*, No. 123) *and 3º* (No. 125).—*Propaganda Archives*, Acta, 1824 (Baltimori), Sommario, Num. II.

[1] *Here occurs the same hiatus as in the Brief. See* No. 121, F.
[2] *Supra*, A (?).

No. 123. **1822, November 27.**

Marechal to C. Neale. *Forwarding the Brief.*

2° Lettre de M^r^ l'archevêque de Baltimore au R. P. Ch. Neale en lui envoyant le bref de SS. Pie VII.

Baltimore, 27 nov 1822.

MON REV. PERE,

Quoique les interets spirituels de la province metropolitaine de Baltimore ayent été la principale cause de mon voyage à Rome, je n'ai pas cependant negligé, pendant mon séjour dans cette s. ville, de porter mon attention sur des objets de moindre importance. J'ai eu souvent l'avantage de converser avec le P. Fortis. Dans ma premiere entrevue avec ce respectable superieur je lui temoignai mon desir de terminer a l'aimable le different qui malheureusement existe depuis cinq ans entre moi et ses sujets dans mon diocese, relativement aux droits temporels du siège de Baltimore. Il m'a paru d'abord consentir volontiers a cette proposition pacifique que m'inspiroit mon attachement pour la Societé. A sa prierre je lui remis un ecrit contenant en abrégé les principes sur lesquels repose la justice [a] de ma demande. Il y repondit par une lettre dans laquelle il me temoigna de plus amples eclaircissemens. Je les lui envoyai, et peu de jours après je reçus de lui une longue reponse où il s'efforçoit de refuter mes raisons, quelques justes et evidentes qu'elles fussent.

Marechal to Neale. An account of the negotiations in Rome.

Je pus deslors juger et par la nature des argumens qu'il employoit, et par le style dans le quel ils etoient exprimés, que je travaillerois en vain a obtenir de cette manniere un arrangement amical. En consequence je lui declarai [1] qu'ayant epuisé en Amerique et à Rome tous les moyens de paix et de conciliation, je me voyois dans la dure necessité de porter la decision de notre importante controverse au jugement du S^t^ Siege. Les card^x^ Della Somaglia, Pacca, Castiglioni, Fesch, Della Genga, Rivarola, De Gregorio, et Ercolani, se sont occupés, pendant près de six semaines a examiner et a peser les argumens apportés de part, et d'autre. Enfin ils ont rendu a voix unanime un jugement en ma faveur.[2] Mais, comme la Societé depend immediatement du S. Pontife, ce même jugement a été soumis a son approbation, et après une deliberation S. S. l'a enfin confirmé du sceau de son authorité suprême; et a signifié par un bref au R. P. Fortis l'ordre

A unanimous judgment in Marechal's favour. Now to be executed.

(a) *In* Sommario: partie.

[1] *Cf.* No. 121, B, 9, *Rozaven:* Post tres menses audierunt Jesuitae negotium delatum esse ad S. Congregationem.

[2] *Cf.* No. 121, p. 472, C, D. *Cf. ibid.*, F, *the Brief. Similarly, the statement which follows is not precise in its implication, that the decree of the Propaganda was submitted to the Pope, "inasmuch as the Society depends immediately on the Sovereign Pontiff." All decrees of consequence,* graviora, *were so submitted in the usual order of business, according to the Constitution of Gregory XV., 22 June, 1622:* et graviora, quae in praedicta domo congregati tractaverint, ad Nos referant. *Cf.* Collectanea S. Congregationis de Propaganda Fide (*1893*), No. 3, p. 4.

positif de s'y soumettre entierrement, et d'ordonner a ses sujets dans le Maryland de s'y soumettre egalement.

Vous avez sans doute, mon rev^d^ pere, deja reçu une copie de ce bref. Dans la crainte toute fois qu'il ne vous soit point parvenu, je vous en envoye une copie authentique. Je vous prie, ainsi que les rev^ds^ Trustees, possesseurs des biens ecclesiastiques du clergé du Maryland, de la lire attentivement, et de me faire connoitre sans delai leur soumission, ou leur resistance a ce jugement solemnel du St. Siege. Car je dois transmettre immediatement au S. Pere votre determination a cet egard.

Si vous vous soumettez a ce jugement (et assurement je ne puis croire que des enfans de S. Ignace s'y opposent) je serai pret a ecouter toute proposition raisonable, qui me sera faite pour que vous transferiez commodement et a votre loisir les novices, qui sont a White Marsh, sur une autre de vos plantations, ou meme pour y rester d'une manniere permanente.[3] Mais alors je vous prie de m'envoyer ici le membre de la Societé dans lequel vous avez le plus de confiance, afin de convenir des arrangemens à prendre. Car ce seroit ne point finir que de discuter par lettres des affaires de cette nature.

Je vous envoye en même tems la decision du S^t^ Siege sur l'article de la jurisdiction.

Je suis avec respect,

Mon rev^d^ pere,

Votre très humble serviteur,

AMBR., Arch. Balt.

Rome, English College Archives, as above, ff. 17^v^, 18; *a copy.—Propaganda Archives,* Acta, 1824 (Baltimori) Sommario, Num. V.—*Georgetown College MSS. and Transcripts, Marechal Controversy; Marechal's copy of the Brief, signed and sealed :* + Amb. Arch. Balt.; *5 pp. 4to.*

No. 124. 1822, December 9 and 27.

C. Neale to Marechal. *A copy, prefaced by Marechal's account to the Cardinal-Prefect of his return to Baltimore from Rome, and commented upon by Marechal with copious notes. He supplies a Latin translation of Neale's letter. He proceeds to sketch his own reply to Neale.*

A.

Baltimori die 27^a^ decembris 1822.

EMINENTISSIME CARDINALIS,

[a] Post longam valdeque periculosam navigationem, divina favente providentia, Neoeboraco[*um ?*] appuli die 21^a^ novembris ultimo

(a) *From the beginning to the fourth paragraph,* Quoad vero breve, *is omitted in the printed* Sommario 1824, Num. VIII.

[3] *Cf.* No. 121, A, note 7.

elapsi. Versus Baltimorem sine mora iter suscipiens, hanc civitatem dominica sequenti ingressus sum, statimque adii cathedralem ecclesiam in qua immensa fidelium multitudo convenerat. Publicam sanctamque laetitiam qua agitabatur vix exprimere possum. Variis enim rumoribus decepta, existimabat me numquam fore Americam reversurum. Suggestum conscendens, palam pro modulo me[*o*] enarrare suscepi summam charitatem, pietatem atque erga me Summi Pontificis munificentiam, summamque Eminentissimorum Patrum humanitatem atque benevolentiam; cumque piam hanc multitudinem adhortarer ut pro tantis mihi collatis beneficiis fervidas mecum preces ad Deum funderent tam pro S. Pontifice quam pro Eminentissimis ejus coadjutoribus, lacrymae auditorum aperte testificatae sunt quanta gratitudine perfundebantur. Hac ipsa die multae effusae sunt orationes pro fine quem proposueram, multo plures etiam die natalis Domini, qua pro prima vice deaurato calice, quem mihi obtulit munificentia Pii VII., usus sum.

Marechal's account of himself.

Neale's replies.

Expeditis semel innumeris seribus [*seriis*] negotiis, quibus immediate post adventum meum oppressus per aliquot dies fui, transmisi episcopo Philadelphiensi breve contra ipsum Hogan; aliud autem Rev^do^ P. Carolo Neale Societatis Jesu in Foederatis Americae Statibus superiori.

Hogan obedientiam Sanctae Sedis judicio primum professus est; quinimo scripto promisit e dioecesi Philadelphiensi intra paucos dies se fore discessurum. Verum subinde insidiosis precibus tum temporalium cathedralis administratorum, tum quorumdam suae gentis turbulentorum hominum, abreptus, sanctum quod conceperat propositum abjecit. A pluribus olim suis asseclis fuit derelictus, spesque concipitur, et quidem non vana, quod cito ab ecclesiae cathedralis occupatione sit ejiciendus ope brachii saecularis.

Quoad vero breve missum Rev^do^ Patri Carolo Neale Jesuitarum superiori, huic responsum mihi dedit, quod certe sine maxima mentis afflictione non potui legere. Haec est ipsius fidelis translatio,[1] cui breves notas adjiciam.

[1] *We omit Marechal's Latin translations of Neale's letters. There is a copy of the first letter, 9 Dec., 1822, sent by C. Neale himself, but not transcribed by his own hand, to Benedict Fenwick, enclosed in a note of his own, dated 18 Dec., 1822. This differs much in form, but not in substance, from Marechal's copy; and was probably taken by Neale's amanuensis from a preliminary draft, after the letter had been sent to Marechal, under date of 9 December. In fact, the transcript for Fenwick has a date:* Dec. y^e^ 11^th^ 1822. *In his own note he begins by saying:* The A. B. has sent me the Brief etc., and makes no doubt but that the sons of Ignatius will readily comply. He desires a speedy answer, and that some one of confidence be sent to settle the business. In this you will find my answer, *etc. Cf. infra*, No. 124, C, note 12.

The second letter of Neale, 23 Dec., 1822, to Marechal (No. 126, A), *is so distorted in the copy* (*English College Archives*), *that we take it from other sources, as indicated below.*

B.

Mount Carmel,
9th Dec., 1822.

Most Revd Sir,

After some compliments on my safe return, he goes on:

Now to business. The affair is of great consequence to us, and therefore requires mature deliberation. If the Cardinals, who were not interested, took six weeks to consider it, what ought we to do who, as Shakespeare (1) calls it, are to be ruined by such a fell swoop? For, if we could not live and pay our debts with it, how shall we do without it? Our debts are between twenty and thirty thousand dollars. (2) The winter and approaching festivals render a meeting of Trustees, if not impossible, extremely difficult. Therefore they must be allowed time (3). The General, it seems by your letter, required time for information (4).[2] It was not granted. I should be glad to know, who pleaded our cause before the Cardinals? (5) We had appointed no one; and how could we, not knowing that the cause was to be judged by them? (6) The General could not, for the reason above mentioned. Before a decision be made, audi alteram partem. It appears to me that the Bull, etc., are founded on a false supposition, and of course are null and void. They

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C.

Breves Notae Archiepiscopi Baltimoris.

Marechal's commentary on Neale's first letter.

(1º) Haec injuriosa comparatio quam P. Neale instituit inter breve S. P. et avis rapacis in praedam descensum desumitur ex Shakespear celeberrimo apud Anglos poeta.

(2º) Si Corporatio debeat 20,000 nummorum, quaenam est summa quae ipsi debetur? Haec debita Jesuitae contraxerunt: 1º per emptionem villae prope Neoeboracum[3]—2º per aedificationem amplissimae domus in Washingtone[4]—3º per acquisitionem terrarum collegio Georgeopolitano circumjacentium[5] — Valor illarum acquisitionum excedit certissime summam debitorum quam exhibent, etiam si accurata foret—Ergo Jesuitae quamvis his debitis, prout contendunt, premerentur, non evaserunt pauperiores quam antea erant.

(3º) Intra paucas horas poterant convenire. Sed cum breve S. P. intendunt rejicere, interea nectunt moras.

(4º) Ne unum quidem verbum scripsi ex quo haec assertio erui possit. Desumitur forsitan ex aliqua epistola P. Fortis.

(5º) P. Fortis et ejus consiliarii qui prae manibus habebant amplissima documenta P. Grassi, Kenny et eorum sociorum hic viventium.

(6º) Antequam ex America proficiscerer, distincte declaravi P. Neale et L. Edelen me causam fore ad S. Pontificem delaturum.

[2] No. 203, *General's Memoranda to the Cardinals*, A, 5º; *and* B, IV., 2.
[3] No. 109, B; No. 181, A [*r.*].
[4] No. 135, A, Prop. 4, 2º, note 8.
[5] *Ibid.*, 3º, note 11.

suppose the Jesuits to be proprietors of such property (7), whereas the whole belongs to the Corporation consisting of secular priests as well as religious. Not a word in the Act about Jesuits; neither can they hold or defend it as such. How then can they be commanded to give to others what is not theirs? (8) Again, is the property civic or ecclesiastic? (9) It was not ecclesiastic either in England or here, at [*the*]

(7°) Bona Corporationis, juxta decretum senatus Marylandiensis, vere pertinent ad clerum sive saecularem sive regularem qui in provinciae missionibus laborant. Verum Jesuitae, contra mentem ac litteram praefati decreti, excludunt omnem saecularem clerum, etiam archiepiscopum, tum ab administratione, tum a participatione illorum bonorum —Jocatur certe hic P. Neale distinguendo Corporationem a Jesuitis, siquidem constat Jesuitis, videlicet:

1. Administratores ejus bonorum sunt ad unum Jesuitae, nempe: Patres Carolus Neale, Franc. Neale, Leon. Edelen, Bened. Fenwick, Jos. Carbery, S.J., Trustees.

2. Qui sunt simpliciter membra Corporationis sunt pariter Jesuitae, si excipias Rev^um^ D^num^ Mathews,[6] qui est sacerdos saecularis.

Porro cum omnia statuantur pluralitate votorum, evidens est omnia Jesuitas penes se habere.

(8°) Potest certe S. P. mandare Jesuitis ut portionem bonorum ecclesiasticorum, quorum administrationem habent, tradant archiepiscopo, juxta jus quod habet ex ipsomet decreto senatus Marylandiensis.

(9°) Bona Corporationis sunt stricto sensu ecclesiastica:

1. Princeps Baltimor caeterique pii eorum donatores ea divino cultui consecrarunt.

2. Ipsimet Jesuitae eorum civiles possessores, juxta tenorem decreti Marylandiensis, cum juramento affirmarunt coram magistratibus ea esse destinata ad usus religiosos et pios.

Lord Baltimore's presents of land to S.J.

3. Senatus Marylandiensis decrevit ea applicanda esse sustentationi cleri R. C. Marylandiensis.

Maryland Assembly's dedication of land to clergy. Repetitions.

Ergo sub omni respectu sunt ecclesiastica.[7]

[6] *Also Louis de Barth, and apparently William Vergnes, who was admitted as late as 17 May, 1813.* (*Md.-N. Y. Province Archives*, Proceedings of the Corporation, *17 May, 1813*, 7°; *cf.* No. 115, note 24.) *There is no indication of his having ceased to be a member; and in 1827 Francis Neale speaks of his property* (*cf.* No. 135, A, note 29). *On the involved state of affairs which had resulted from the mixed membership of the Select Body and of the Board, compare the experiences of the Jesuits with Bitouzey and Pasquet* (No. 113, C–S), *as well as the letters of Carroll on the same subject, infra* (No. 178, G², *seq.*). *The incongruity of the situation had become more pronounced after 1814, when, the Society being canonically restored, the Corporation itself was an incongruity: seeing that it had lost then its original reason for existence, as a guardian of the property till the Society should be restored. Cf.* No. 113, Q.

[7] *The persistent contention of C. Neale, on the one side, that the property in question was not ecclesiastical, or, as he has it in another place, was not* Jesuitical and ecclesiastical (No. 126, A, note (b)), *and the contradictory statement, on the other side, made here by Marechal, that it was ecclesiastical, call for a comparison with the*

time of the destruction of the Society, which placed out of the grasp (10) of the Holy See [b] [*such ?*] secular powers. What is it now? Purely civic. Even had it been ecclesiastic before, the Act of Incorporation has changed it into civic, and made it subject to no other laws but those of the country. (11) Has Rome any jurisdiction in temporals, either here or in England? (12) How came she by it? There has been no concorda[*t*] made between the two governments. The contrary seems evident. The oath of allegiance taken by English Roman Catholicks by permission of Rome acknowledges her power only in spirituals. If Rome has no power, what becomes of the Bull, etc.? The General has no such power from the Constitution or Institute. But you will say, the Pope has given him that power. If the Pope has none, how can he give it?

The English ex-Jesuits.

(10º) Quomodo Societas in Anglia posuerit bona sua extra violentam Sanctae sedis invasionem non nosco. Estne vir religiosus qui haec verba tam Sanctae Sedi injuriosa audet proferre?

(11º) Juxta decretum senatus Marylandiensis bona ecclesiastica, quorum Jesuitae administrationem exclusive sibi vindicant, inservire debent sustentationi clericatus tum saecularis tum regularis. Ergo sunt infractores legis Jesuitae administratores, qui sibi omnia tribuunt.

English Catholics.

(12º) Forsitan quidam Anglo-catholici non agnoscunt jurisdictionem sancti Pontificis in temporalia regum. Sed quis catholicus in Anglia qui contendit sanctum Pontificem nullam jurisdictionem habere in bona Deo consecrata?

(b) *Translated in Marechal's Latin:* Extra violentam S. Sedis occupationem. *In C. Neale's transcript for Fenwick:* which [*the Suppression?*] placed it out of the grasp of the Holy See, or Secular Power.

Maryland language and terms of the time. Marechal's statement is in strict conformity with that of the English Provincial, Father Edward Knott, nearly two centuries earlier (*supra*, No. 16, Notandum 10º p. 171); *with that of Pope Paul III.* (*supra*, No. 61, A, p. 247); *and with the express declaration of the actual General, Father Fortis, when criticizing this very notion of the Maryland Jesuits* (*infra*, No. 197). *On the other hand, this statement of Marechal's here is in contradiction with his own affirmation made elsewhere, regarding the Jesuit property in Maryland* (No. 116, C, p. 408); *when, addressing the same General, Father Fortis, he alleges, "as an indisputable fact," that, for more than a hundred years past, the superiors of the Society in America "had made all kinds of contracts, v.g. had bought, sold, lent, borrowed, contracted debts, received donations, and very rich ones too, etc., etc.," and that* sine praevio consensu Superioris Generalis, "*without the previous consent of the General.*" *If that was true, then the property was not ecclesiastical. And, in this contention, Marechal was distinctly rebutting the General's argument drawn from "canonical laws,"* juxta regulas canonicas, *or, as Marechal turned and modified the General's phrase,* juxta regulas canonicas cui praesides Societatis. *This came to precisely the same issue, since a regular Order's "canonical rules" are rules according to the ecclesiastical canons:* Jesuitical and ecclesiastical, *as Charles Neale's phrase has it. Again, Marechal's statement here is also at variance with his own practice in the handling of Baltimore diocesan or mensal property, left him by his predecessors* (No. 184, *Eutaw Street property*). *Neale's language, and Marechal's views elsewhere at variance with his statement here, were none the less in keeping with those of Archbishop Carroll, Father Kohlmann, the ex-Jesuits of Maryland, and the ex-Jesuits of England. An explanation of the confusion in language and tenets is attempted infra* (No. 197).

Who can absolve the Trustees from their voluntary, not forced, oaths of administering the property according to justice, and laws of their country. They are bound to defend it to the best of their power against any foreign or domestic invasion contrary to our civil laws. (13) No one could reasonably expect that the Trustees, without examining the justice of the cause, would alienate such a large portion of the Corporation property. What prudent General would give up to his enemy a town or fortress to fight for it afterwards? We most profoundly respect the spiritual power of Rome, but not her temporal jurisdiction, if she has none.

These and many other questions must be submitted to able civilians [c] (14), and solved, before the Trustees can speak. In the Bull of consecration of Bishop Carroll, the Pope conferred on him the administration of the temporalities. Your Reverence perhaps does not know that that power was resisted by the holders of the property, and that Bishop Carroll, before

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(13º) Incredibile mihi videtur quod P. Neale ausus fuerit alienam invasionem vocare breve sancti Pontificis, quo jubetur tantum tradere archiepiscopo partem bonorum sacrorum, quorum Jesuitae administrationem habent, quaeque juxta decretum legislaturae Marylandiensis destinata sunt ad R. C. cleri sustentationem.

(14º) Mirabar P. Neale mihi scripsisse Corporationis administratores non posse statim convenire. Nunc cognosco causam hujus dilationis; nimirum interim volebant interrogare patronos (avocats), et revera protestantes quosdam conduxerunt prorsus ignaros legum ecclesiasticarum, ut investigarent utrum in codice legum hujusce regionis ab heterodoxis conditarum non aliqua reperiretur, qua innixi possent secure breve sancti Pontificis rejicere. Illud paucis abhinc diebus mihi fassus est unus ex eorum advocatis nomine Harper ab Jesuitis jam conductus.

Jesuits not to be allowed to consult Maryland lawyers.

Numquid licitum erit viris religiosis, qui in variis partibus mundi vivunt, antequam obediant sancto Pontifici, sententiam exquirere advocatorum heterodoxorum, Turcarum imo infidelium? [8]

(c) *In Neale's transcript for Fenwick:* able councellors.

[8] *Cf.* No. 121, A, III. pp. 465, 466, 2º.—*As to Harper,* "*one of their lawyers,*" *being* "*retained by the Jesuits,*" *cf. C. Neale, Mount Carmel, 17 Dec., 1822, to B. Fenwick, Georgetown:* Tell Rev. F. Marshall to call a meeting of Trustees after the Epiphany. You can inform yourself by Mr. Taney, whether Rome has any jurisdiction in temporals or not (*Georgetown College MSS. and Transcripts, Marechal Controversy, under date*). *On Taney, who was a Catholic, cf.* No. 135, Proposition 21, *where Marechal states that he has consulted Judge R. B. Taney on the Brief, and he describes him:* Clarissimum R. B. Taney, qui inter jurisperitos nostros longe eminet, quique per plures annos honorabili officio senatoris in legislatura Marylandiensi functus est. *He states also, in the same place, that he has consulted* Joannem Scott, qui nunc est membrum senatus Marylandiensis et in scientia legum nostrarum peritissimus. *As to heterodox lawyers and Catholic Church matters, cf.* No. 121, A, III., His positis, 2º, *where Marechal claims for the archbishops of Baltimore the right of having recourse at any time to the senate of Maryland for redress against the Jesuits; and this body he describes* (No. 115, § 29) *as being heterodox almost to a man:* qui fere sunt ad unum heterodoxi.

his consecration, (15) made a formal renunciation thereto for him and his successors, signed, etc., before proper witnesses.[9] We have this paper now in our possession. It is a wonder to me that Rome, after having made an universal sweep of the property of the Society (16), should now cast her eyes on the small remains saved from the general wreck, to make presents of.

Is it just to take from Paul and give to Peter, that he may live splendidly, while Paul with his numerous poor family, the true proprietor, I mean the Corporation, perish with cold and hunger? (17) If it has been said, without proof or good grounds, that property had been formerly given to the Society for the benefit of religion, has it not been used for that purpose? Is it not used at present as such? The letter of your Reverence to the different congregations to support their pastors testify[*ies?*] in its favour.[10] Lawful debts must be paid before donation[*s*] can be given. Nemo judex in sua causa.

But, as I look on myself as quite disinterested in this affair, as never having received a single farthing from the Corporation, tho always of the body, etc., never shall [*should I?*] [(d)] have ventured to communicate these my private sentiments to your Reverence. You must not take them as official. They are not such. When the Board meets you shall be informed of the results of their deliberations. As for my own part, if I

(15°) Famosus P. Ashton et ipsius asseclae bullae Pii VI. restiterunt. Si ven. DD. Carroll injustis eorum clamoribus territus juri cesserit administrandi proventus ecclesiasticos suae dioeceseos, numquid ipsius culpa nocet juri suorum successorum?[11]

Ashton. Marechal's right in spite of Carroll.

(16°) Vesanum in Sanctam Sedem dicterium. S. P. Pius VII. mandat tantum Jesuitis ut partem bonorum, ad quam jus habet, archiepiscopo concedant.

(17°) Si famem patiantur Jesuitae, cum retinent amplas bonorum

(d) *In Neale's transcript for B. Fenwick:* and never shall, I. . . .; *instead of:* etc., never shall

[9] *This passage of Neale's seems to admit that the Bull of Pius VI. granted the administration of Jesuit property to Bishop Carroll. Marechal had stated the contrary to the Corporation and to the Cardinals. To the former he characterized such a notion as* the extravagant imagination of Father Ashton (*Marechal, 30 April, 1820, to Edelen, secretary of the Corporation; infra,* No. 181, E). *To the latter he stigmatized it as* tantam absurdam Patris Ashton Bullæ interpretationem (No. 117, C, Nota 3, p. 428).

The terms of Carroll's renunciation *or declaration do not imply that he renounced or resigned anything granted to him by the Papal Bull. See extract,* No. 116, D, § 3; *whole text and facsimile,* No. 160, C. *The names of* proper witnesses *do not appear in Carroll's autograph.*

[10] No. 60, B.

[11] *Here begins the new thesis of Marechal, based apparently on Neale's text which he is annotating* (*cf.* note 9; *and* No. 126, A, 3ly), *that Pius VI. did assign Jesuit property to the Ordinary of Baltimore. One faint allusion to it had been made in Rome* (No. 121, E, p. 473; *Marechal's* Notes à la lettre du P. Rozaven: P.S.). *Henceforth he takes it as axiomatic; ex. gr.* Nos. 125, B; 126, B, (3); 127, p. 503; 128; 135, A, Prop. 10: spoliare tentant redditibus suae sedi annexis tempore quo erecta fuit.

had the disposal of three White Marshes, I would willingly bestow them on your Reverence, if conscience would permit.

Believe me to be with greatest respect and esteem,

Your most obedient humble servant.

[*To*]

The Most Rev^d Amb. Mareshall
Arch Bishop of Baltimore,
Baltimore.

The beginning and end of the foregoing letter, as sent in copy by C. Neale to B. Fenwick, are as follows :—

Dec. y^e 11^th. 1822.

Most Rev. Sir,

This is an acknowledgement of the receipt of your favour, with all its mentioned contents; and the following is my answer, by the return of post, tho' very little qualified at present for the task.

Permit me however, Most Rev. Sir, to congratulate your Rev^ce on your safe return, with every good wish of the approaching season. The Rev. Mother [*Monastery of Mount Carmel, Port Tobacco*], with her community, desire me to do the same on their part. They have never, nor do they ever fail to pray for your Rev^ce Rev. Mother has been twice administered for death since your departure; but, thanks be to the Almighty, she has escaped, and can go about tolerably well. For my part, I have been and still continue so infirm that, in my daily Masses, I always communicate by way of Viaticum.

Now to business. . . .

It ends thus :

For my own part, if I had the disposal of three White Marshes, I would willingly bestow them on your Reverence.

Remember me to the Rev. Mr. Whitfield. If you hear of my decease, which is not unlikely, be so good, Most Rev. Sir, as to pray for the repose of my soul, and believe me to be, with the greatest respect and esteem,

Your most obedient and humble servant.

Then follows, in Neale's own hand, the covering letter to B. Fenwick.

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ecclesiasticorum possessiones, quid dicendum est de archiepiscopo cui denegant etiam partem eorum ? [12]

[12] *Marechal appends no annotation on Neale's remark at the end of his letter, about* these my private sentiments to your Reverence. You must not take them as official. They are not such. *In fact, a letter from the Superior, on a matter gravely official, might justly be taken as on a level with its matter, in spite of any disclaimer at the end. The use which, in spite of the disclaimer, Marechal makes of the communication in seqq., if not warranted by Neale's claim to privacy, is sufficiently in keeping with the tenor of another letter, written about the same time by Neale to B. Fenwick at Georgetown. Communicating a copy of this his first answer to Marechal* (9 Dec.),

D. (1822, December 27.)

Recepta hac epistola, caritate motus, iterum ad eum scripsi, obtestans causam Romae fuisse strenue ac solerter a Patre Fortis defensam ; nec ei defuisse media discussionis ; siquidem prae manibus habebat tum ampla documenta Patris Grassi per plures annos Societatis in istis regionibus superioris, tum scripta Patris Kenny visitatoris provinciae nostrae, qui per spatium unius fere anni incubuit in inspiciendo statum praesertim rerum temporalium, quique ex America Romam directe abiit ut Patri Generali Fortis rerum omnium rationem redderet, tum ex numerosis scriptis quae ipsemet et ipsius socii ad eumdem Patrem Generalem transmiserunt. Obsecrabam insuper non hic agi de causa denuo agitanda, sed de supremo Sanctae Sedis judicio cui sese subjicere tenebatur voto obedientiae quo adstringebatur sive S. Pontifici sive suo Generali Superiori.[13] Argumentis christianae charitatis, quibus usus fueram, surdam praebuit aurem, mihique responsum dedit in quo haec verba fideliter translata reperiuntur. [*Continued infra*, No. 126.]

Marechal on his own reply to Neale : his reckoning on the Jesuits' vow of obedience.

Rome, English College Archives, as above, ff. 8–11 ; *a copy, continued here below*, No. 126, *of Marechal's letter, etc., addressed to Card. Consalvi, Pro-Prefect of the Propaganda.—Cf. Propaganda Archives*, Acta, 1824 (Baltimori), Sommario, *etc.*, Num. VIII.

he says expressly to Fenwick : In this you will find my answer and may show it to whome you please. . . . *Then he indulges in some further remarks and strictures, which even he himself had thought too strong for the archbishop or Rome :* I had a great mind to tell the A. B. *is his prefatory remark* (*Georgetown College MSS. and Transcripts, Marechal Controversy ; C. Neale, Mount Carmel, 18 Dec., 1822, to B. Fenwick, Georgetown*).

All this notwithstanding, the position taken up by C. Neale in the premises was technically correct ; and it is sketched with precision by Benedict XIV., De Synodo Dioecesana, lib. IX., cap. viii. § 2, *beginning* : Non hic agimus de peculiaribus rescriptis, aut mandatis ; in quorum concessione, sive expeditione, nihil facilius est, quam ut aliquando Pontifices decipiantur vel falsa rerum enarratione, vel occultatione alicujus veritatis, quam si notam habuissent, nunquam ea concessissent, aut mandassent, quae alicujus vitii arguuntur . . . ; *ending :* . . . Non solum autem Episcopis id petentibus, sed aliis etiam quibuslibet, quorum intersit, et quorum res agatur, si damnum exponant aut jam obventum, aut proxime obventurum ex Pontificio decreto, litteris etiam Apostolicis roborato, conceditur (ut omnibus notum est) aperitio oris, ut jura sua deducere possint ; quod alioquin ipsis interdictum esset, propter consuetas clausulas, ejusmodi litteris, dum nemini damnum inferri credebatur, adjectas.

However crude the manner of Neale's expressions in the foregoing letter, the substance of his statements is not unlike that of Father John Carroll's communication to Father Charles Plowden, 26 Sept., 1783, as given infra (No. 144, A). *Speaking of what Father Thorpe had written from Rome, that designs were entertained of obtaining all the goods of the extinct Society in America as well as in England, Carroll says :* They may be assured that they will never get possession of a sixpence of our property here ; and, if any of our friends could be weak enough to deliver any real estate into their hands, or attempt to subject it to their authority, our civil government would be called upon to wrest it again out of their dominion. A foreign temporal jurisdiction will never be tolerated here ; and even the spiritual supremacy of the Pope is the only reason, why in some of the United States the full participation of all civil rights is not granted to the Roman Catholics. They may therefore send their agents when they please ; they will certainly return empty-handed.

[13] *This is the whole state of the question now with Marechal—not a hearing or rehearing of the case, but the enforcing of a Brief, however obtained.*

No. 125. **1822, December 14; (1823, January 4).**

Marechal to C. Neale. *Answering the letter of 9 Dec.; with a comment, added to the copy for Dr. Gradwell, on the next letter of Neale's, 23 Dec. Continued from* No. 123, *supra.*

3e Lettre de Monsr l'archevêque de Baltimore au Revd P. Charles Neale en reponse a celle de ce père en datte du 9 decembre, 1822.

A.

Baltimore, 14 decembre, 1822.

Mon Rev. Pere,

Je pourai certainement prendre, sans crainte d'injustice ou d'erreur, l'ensemble des argumens evasifs que vous employez dans votre reponse, pour un acte indirect de resistance au jugement de S. S. Cependant dans une affaire d'une si grande consequence je crois que la charité demande de vous faire quelques observations.

D'abord je puis vous assurer que votre cause a été defendue par le P. Fortis avec toute la force et l'habilité possible; aucun des argumens renfermés dans les memoires nombreux composés par le R. P. Grassi et Kenny, et dans les ecrits transmis des Etats Unis a Rome, n'a echappé a la singuliere sagacité de votre General, ni à celle de son conseil. Il a fallu en verité! que ma cause fut bien evidemment juste, pour n'avoir pas été vaincu par des adversaires si puissans, si instruits, si actifs et si experimentés. Je ne crois pas, quelque soit la fecondité de votre genie, que vous puissiez jamais produire un seul argument que vos defenseurs n'ayent deja presenté aux juges.[1]

[1] *A new argument has already been touched by Neale, which, however, has not been annotated by Marechal* (No. 124, C, *ad* 7) *in its full bearings:* that the Bull, etc., are founded on a false supposition. *Cf.* No. 135, A, note 50.

The argument advanced here by Marechal is not new. To give the credit of equity to the Brief, he represents it as having been based on the most abundant information, supplied to the Cardinals by most competent advocates; and he insinuates that the Brief was the sentence of "judges." As to the latter point, there was no judgment passed, nor were there judges, but Cardinals negotiating a concordat, Cardinaux négociateurs, *as Marechal himself had called them* (No. 121, E, note 14), gli Emi. Conciliatori, *as Card. Fesch styled them* (No. 203; *18 June, 1822, to the General*); *and the Brief itself, as we infer from documents* (Nos. 203, 204), *was a formula of Cardinal Fesch and Mgr. Marechal, taking advantage of the proposal made by Father Fortis, that the Pope, in his administrative capacity, should give command in the premises, and the General would obey (supra,* No. 121, p. 475). *As to the former point of abundant information having been at the service of Marechal's adversaries, the General had affirmed the contrary to the Cardinals* (No. 121, D; *18 May*), *and Marechal had replied that his affirmation was a* ruse de guerre (No. 121, E, p. 474). *The General had made the same statement, regarding the want of data, to the Secretary of the Propaganda, conveying an implicit challenge that, if Marechal denied the facts adduced already, and sufficient of themselves to quash any legal claims, the Mgr. need but allow the General to obtain the "legal and juridical proof" from America* (No. 121, J, Secondo, Prima). *The only answer to this, which we find, is Marechal's note on his own copy of the document to which the General is referring* (No. 118), *that Father Fortis "steadily refused to recognize and sign" the said document* (No. 118, note 1), *the very one, of which the General is speaking to the Secretary as having been submitted by himself, and as containing a narration not subject to "the slightest*

Je vous prie en 2. lieu, mon rev^d^ pere, de remarquer qu'il ne s'agit plus d'une cause a discuter, mais d'un jugement solemnel au quel S. S. et votre propre General vous ordonnent de vous soumettre, et cela en vertu de l'obeissance que vous leur avez vouée. Dans ce pays d'independance, vous êtes libre d'y resister soit ouvertement soit par evasion. Vous pouvez meme consulter les Civilians, c'est-a-dire des avocats entierrement etrangers aux loix de l'eglise catholique et a plus forte raison a celles qui régissent les ordres religieux. Je ne doute pas meme que quelques uns ne vous fournissent quelques pretextes plausibles de resistance, tirés des loix ou des coutumes du pays. Mais quelles seront les suites d'une marche aussi déplorable? Sans être prophete, je crois pouvoir vous predire que vous en serez infalliblement la victime. Il eut dix fois mieux valu de l'origine que vous eussiez respecté les droits de mon siege au lieu de les enfreindre, et maintenant apres la sentence prononcée, je

The Jesuits' vow of obedience.

Marechal's threats to Neale.

doubt" (No. 121, J, Secondo). *An implicit admission of this difficulty, that the General was wanting in adequate information, would seem to be the inspiration of Marechal's "good Angel," on the 28th of June, to the effect that young men, who happened to be in Rome, and had never taken part in the administration of Maryland temporalities, should be called one by one in secret before the Cardinals, and be cross-examined on the merits of White Marsh* (No. 121, E, note 14).

In America, treating now with Charles Neale, he returns to his previous position, that of "numerous memoirs composed by R. Father Grassi and Kenney," and "documents transmitted from the United States to Rome," which had made his adversaries so conversant with the question, si instruits. *So he had written to the General: "If your Paternity will but examine the letters, which without doubt have been sent to you upon this question, you will see. . . ."* (No. 116, C, 2º, p. 407). *He wrote to the Cardinals: "I fear much that the author has very deliberately advanced falsehoods,"* des faussetés; *"for his composition shows evidently that he is informed of the most recent events"* (No. 119, [VII.]). *"I beg the Congregation to read it* [a letter of Mr. Bruté], *and it will see how inexact, and I would venture to say false, is the assertion of the author"* (*Ibid.*, [IX.]). *"Father Fortis has information much more exact and more extensive of their* [Jesuit] *properties, than I have or can ever have"* (No. 121, E, p. 474). *Thus the position taken up by Marechal in Rome was that of abundant information possessed by the General, with corresponding falsity in the use of it. In the Numbers 123 and 125, addressing Charles Neale, he alleges the same abundant information possessed by Father Fortis, as a sufficient guarantee for the equity of the Brief and as an additional warrant for its execution. This meant Marechal's immediate entry into White Marsh, and, according to the express terms of the Brief* (No. 121, F), *he was to enter before any appeal could be made by the Jesuits; then, when once he had entered he could not be dislodged except with the alternative of being lodged in another estate equally good* (2, § iii.). *One month,* intra mensem, *from the date of the archbishop's return, was the limit fixed by the Brief to accomplish the fact of entry* (2, § i.). *See text,* No. 205. *This is the meaning of the term, 27 November till 27 December, intimated in this same letter* (No. 125, A), *after which, as Marechal threatens, he will "proceed to measures in consequence." Hence it appears that the line of argument, which had been used in Rome to closure debate, was now used in America to obstruct the efficacy of appeal; and the terms of the Brief seemed to embody the obstruction. But cf.* No. 124, note 12; *Benedict XIV. on such a case.*

In point of fact, what the General had stated, with respect to the want of preliminary information, is borne out by the General Archives S.J., as we find them. Prior to the precipitate close of the discussion in Rome, we find the subject treated only in ordinary letters of the Maryland Superior, Father Kohlmann, several letters of Father Grassi from Turin, in a short documentary memorandum of Grassi's (*Maryl. Epist.*, 6, i., D), *with some incidental references in other correspondence. Of authoritative documents the first supply begins after this date, with results which will be seen infra.*

crois qu'il vaudroit mille fois mieux pour vous et vos confreres de vous y soumettre en toute simplicité que d'en éluder les dispositions par des defaites [!] semblables a celles contenues dans votre lettre.

Je vous ai envoyé le Bref de S. S., le 27 nov. dernier. J'attendrai jusqu' au 27 du mois present votre reponse définitive et celle de Trustees, vos confreres. Cette epoque une fois passée, je regarderai votre silence comme un acte de desobeissance a l'ordre formel de S. S. et de votre General. Lisez, je vous prie, le texte du Bref, et vous ne pourez certainement me blamer, si je procede a des mesures en consequence.

Grants a term of one month; after which "measures in consequence."

Je suis vraiment affligé de votre état habituel d'infirmités. Je conjure Dieu de tout mon coeur qu'etant sur le bord du tombeau vous ne terminiez pas votre carriere en ce monde par un acte de désobeissance au Vicaire de J. C., et que votre Societé n'ait pas un jour raison de vous regarder comme ayant porté, avant d'expirer, un coup fatal, si non a son existence, du moins a sa posterité [!].

Je suis avec respect

Mon Rev^d Pere Votre humble et ob^t ser^r

+ Ambr. Arch. Balt.

B. (1823, January 4.)

A cette lettre le P. Charles Neale m'a repondu le 23 decembre 1822 en m'envoyant l'analyse de son acte de protestation, tant contre la bulle de Pie VI. que contre le bref de Pie VII.

Il a fait partir son acte de protestation et l'a addressé au P. Fortis, en le priant de le presenter, non aux Cardinaux instruits du procès, mais immediatement a Sa Sainteté ! ! ![2]

Rome, English College Archives, as above, ff. 19, 20; *a copy, with a conclusion for Dr. Robert Gradwell.—Propaganda Archives*, Acta, 1824 (Baltimori), Sommario, Num. VI.

[2] *This is not said by Neale in his P.S.*, No. 126, *q.v.; nor is there any mention of it in the longer Memorial written by B. Fenwick, signed by C. Neale, and sent at the same time* (No. 184). *The communication of the documents to the proper authorities was a matter left to the General. The latter passed nothing on till he was called upon, nearly a year later, by the Secretary of the Propaganda, Mgr. Pietro Caprano. Then (6 Nov., 1823) he submitted the various papers which had accumulated* (*General Archives S.J.*, Epist. R. P. N. Al. Fortis, Lib. I., pars 1, No. 206, pp. 403–406).

On the other hand, cf. No. 123, p. 486, *where Marechal tells Neale that he must transmit to His Holiness the resolution of the Trustees in accepting or rejecting the Brief, and he makes no mention of the Sacred Congregation as intermediary:* Je dois transmettre immédiatement au S. Père votre détermination à cet égard. *Cf.* No. 121, F, note 16.

No. 126. **1822, December 23 and 27.**

C. Neale to Marechal. *A copy, commented upon by Marechal, with copious notes. He adds his own conclusions, addressed to the Propaganda. Continued from* No. 124, *supra.*

A.

Mount Carmel, 23d dec. 1822.

Most Revd Sir,

I received your favour of the 14th. inst. Be not angry with me, as I am not with you, because we are of a different opinion. If we go to law let it be with Christian charity, as St. Francis de Sales recommends. I told your Reverence in my last that, as superior, I had no more power to make over the property of the Corporation than the grand Turk (1). The consequence is plain. The General, FF. Grassi, Kenny and those who wrote to Rome, were very little acquainted with the affairs of the Corporation; and it was not made known here that any such cause was to be tried there; otherwise proper information might have been sent in due time. Such information has now been sent to F. General, and duplicates thereof will also be forwarded. It would be very unreasonable to require a General to deliver up a town to fight for it afterwards, as possession is equal to eleven points of the law. Altho' the Trustees cannot meet till after the Epiphany, as your Reverence insists on an answer by the 27th. inst., I inform your Reverence by this that I, as having been expressly commanded to see the Brief executed, have entered my Protest against it, dated 21st. December. The substance whereof is, as my health does not permit me to write it out in full, as follows:

1mo. That the Brief is founded on a gratis supposition, that the property belongs to the Jesuits; which is not true. 2do. That the cause has been prejudged, no notice having been given us that it was to be tried at Rome (2); the necessary informations were therefore wanting. 3ly.

B.

Observationes Archiepiscopi Baltimoris.

Marechal's commentary on Neale's second letter. Repetition of claims. Jesuits selling Deer Creek.

(1) Juxta decretum senatus Marylandiensis bona ecclesiastica vere pertinent ad clerum Marylandiensem. Sed Jesuitae tam absolutam eorum habent administrationem ut ea etiam valide alienare possint; idque adeo verum est ut paucis ab hinc diebus, contraque positivum Pii VII mandatum,[1] vendiderunt cuidam Quakero praedium dictum Arabia Petra, pertinens ad missionem comitatus Harfordiensis, quae nunc relinquitur penitus destituta bonis quibus olim sustentabatur.

(2) Duobus praecipuis Corporationis administratoribus declaravi me

[1] *As to Arabia Petrea, there is no* mandatum *in the Brief or any other document.*

That the grant of the Pope of administration [2] to Bishop Carroll was null and never took effect. (3). 4ly. That for greater security, long before the re-establishment of the Society, all the property in the State of Maryland, which was held by only a few individual citizens, was incorporated by an Act of the General Assembly, to enjoy all the rights and be subject to all the civil laws of the country; no ecclesiastical property being allowed of in the State. (4). 5º The Act appoints that such property should be administered by a certain number of Trustees (5), bound by solemn oath to do their duty by it, and consequently defend it against all invaders acting contrary to the laws of the State. 6to. That Archbishop Carroll and his successor Archbishop Neale (6), who were commonly chosen amongst the Trustees, took the prescribed oath and religiously observed it,[3] without any pretensions to any thing more than

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causam fore delaturum ad tribunal sanctae Sedis, nempe patribus F. Neale et Leon. Edelen.

(3) Territus DD. Carroll famosi P. Ashton et ejus asseclarum clamoribus, non suscepit administrationem bonorum ecclesiae Marylandiensis. Verum nunc injusta Jesuitarum oppositio invalidat bullam Pii VI.?[4]

Ashton and the Bull of Pius VI., which gave the Jesuit property to the Maryland Church.

(4) Ante revolutionem Americanam bona Deo sacra possidebantur a privatis hominibus, quasi privata bona forent. Sed non ita a tempore revolutionis.

Hinc omnia bona, ad pios et religiosos usus consecrata, solemni suo decreto protexit senatus Marylandiensis in perpetuum usum cleri Marylandiensis.

(5) Fidei-commissarii juramento promittunt se fore fideliter administraturos bona Corporationis et redditus ex eis promanantes applicaturos fore fini, qui in decreto senatus exprimitur, nempe sustentationi cleri Marylandiensis. Nunc autem quisnam est hujus legis infractor? Num archiepiscopus qui, ut pars principalis cleri, jus habet ad portionem illorum bonorum, aut Jesuitae qui omnia sibi tribuunt? Nonne merito haberi possunt tanquam injusti invasores?

The Jesuits "unjust invaders" of the Baltimore see's property.

(6) Archiepiscopus Carroll et Archiepiscopus Neale constanter perceperunt redditus ex bonis corporationis Marylandiensis. Utrum se juramento obstrinxere nihil aliud exigere, nescio. Sed Archiepiscopus Carroll semper existimavit suos successores fore percepturos eosdem redditus quibus ipse potiebatur. Et illud adeo est verum ut, cum restaurata fuerit Societas in Marylandia, exegit ut P. Robertus Molineux primus superior restauratae Societatis

[2] *Cf.* No. 124, B, *ad* (15).
[3] No. 168, A, 24º; B, C.
[4] *Here Marechal follows up the new thesis, that the Bull of Pius VI. gave the administration of Jesuit property to Carroll.* *See* No. 124, notes 9, 11.

what the Corporation chose to give them, as being of the Body, and what it could afford.[a] 7º That the Trustees cannot, without a flagrant violation of their oath (7), consent to part with so much of their property as would ruin the Corporation; its debts being so great at present as to make it doubtful whether it will be able to pay them and live, without making very great sacrifices. 8º The Corporation which is numerous must have its table. The White Marsh with all its appurtenances is nearly equal to one third of the whole property. If that were taken for the Archbishop's table, the Corporation would starve. (8). 9noº The Corporation consists of secular priests as well as religious. (9). In process of time it may consist of religious only. But that will make no change; it will remain in the same state. Civic property both here and in England is on the same footing, and must be held and defended by the laws of the country. 10. Were the

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privato contractu se obligaret ipsi remittere titulum civilem, quo redditus quibus fruebatur secure transmitterentur suis successoribus.

(7) Duplex[5] juramentum Jesuitae administratores Corporationis emittunt: unum nempe publicum, alterum autem privatum. Prius emittunt ad mentem decreti Legislaturae Marylandiensis: nempe promittunt se fore fideliter administraturos bona ecclesiastica eorum bonae fidei commissa pro usu et ad sustentationem cleri Marylandiensis. Posterius vero clam pronuntiant, sc. quo se astringunt omnia bona cleri Marylandiensis Societati donare.

Two Jesuit oaths: the second a perjury against the see of Baltimore.

Prius juramentum est certe justum. Sed, nedum sit infractio hujus sacramenti portionem tradere bonorum ecclesiasticorum archiepiscopo Baltimori, non possunt vere ipsi denegare eam sine infractione illius juramenti.

Quoad posterius juramentum, est certe injustum, cum opponatur tum decreto senatus Marylandiensis tum juramento quod publice coram magistratibus emittunt.

(8) Jesuitae qui constituunt Corporationem mensam habere debent. Ergo omnia bona ecclesiae Marylandiensis retinere debent. Verum archiepiscopus mensam habere non debet, ac proinde neque etiam portionem illorum bonorum. Optimum certe argumentum ! ! !

(9) Omnes administratores Corporationis sunt Jesuitae. Unus reperitur saecularis sacerdos[6] inter caetera membra Corporationis. His positis, jocatur certe P. Neale, cum asserat non esse actualiter Jesuitarum.

(a) *In Marechal's English copy for the Cardinals*: what it could then afford. *In his Latin version* could afford *is translated* voluit.

[5] No. 168, A, 24º; *Ibid.*, C, D. *There were never two oaths to take. Cf. also* Nos. 116, D, note 23; 119, [V.], note 12.

[6] *Cf.* No. 124, C, note 6.

property [b] ecclesiastic and were there a concordat or agreement between this country and Rome concerning it, I maintain that it would be a crying injustice to take it from them and bestow it on another—from them who legally purchased it by their money and labour, from them who planted here the vineyard of the Lord, who alone have cultivated it for hundreds of years, and by whose care it has been diffused and spread from this State throughout the Union (10).

Such is the substance of my Protest. We know the nature of our vows to the Pope. Your Reverence thinks we ought to obey with simplicity; we think we could not without a violation of our oath. We excuse your Reverence for thinking so; excuse us for thinking otherwise.

[c] Your Reverence prophecies persecution, very great persecution, on our refusal. If so, we must bear it with joy. To suffer for justice' sake has always been the portion of the Society, which resembles its Divine Master, J. C. We have however too good an opinion of your Reverence to fear it from you. I never knew any persecutor of the Society rejoice for having done it, at the hour of death. My state of health reminds me of death daily and hourly; but your Reverence must know, if I die in my present resistance to the Brief, I shall die without scruple. Different men, different judgements. I believe your Reverence thinks you act right. Think the same of us; nor let us fall out about the pitiful, perishable trash of this world. St. Paul tells us: Sit rationabile obsequium vestrum. I hope in God mine will always be such.

I will answer the other part of your Reverence's letter another time. In the mean time, Most Rev^d Sir, believe me to be,

With great esteem,

Your Rev.'s most humble servant,

C. Neale, S.J.

P.S. My Protest shall be forwarded to F. General to communicate.

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(10) Amplificatio poetica. Jesuitae per multos annos non sacrum ministerium exercuerunt extra parvam terrae partem quae inter flumen Potowmach et Patuxen includitur. Circa medium ultimi saeculi sex aut octo ad summum missionarios habebant in caeteris Marylandiae partibus, totidem in Pensylvania. Nunc florescit religio catholica in omnibus provinciis foederatae Americae. Illud incrementum non Jesuitis, sed sacerdotibus saecularibus omnino debetur.

Religion in America owes little to the Jesuits. Owes everything to secular priests.

(b) *In the* Proceedings of the Corporation: Were the property Jesuitical and ecclesiastical. *It may also be the reading of Marechal's text in the English College copy.*

(c) *From here to the end, Neale's text omitted in Marechal's Latin translation for the Cardinals.*

C. 1822, December 27.

Hae sunt duae epistolae quibus P. Car. Neale me certiorem fecit se rejicere breve Pii VII. Quasdam notas eisdem adjeci, praecipue ad determinandum sensum ambiguarum sententiarum quibus utitur.

Quoad principia quae profert contra authoritatem Sanctae Sedis et reverentiam debitam Eminentissimis sancti Pontificis consiliariis et coadjutoribus, eorum examen omnino relinquo sapientiae Sacrae Congregationis. Verum quid faciendum est in hoc praesenti gravissimo casu?

1º Mihi videtur valde periculosum fore mandare Jesuitis Marylandiae obedire brevi Pii VII. sub poena alicujus censurae, v. gr. suspensionis, interdicti vel excommunicationis. Cum enim contendant bullam Pii VI. et breve Pii VII. nullius esse authoritatis in pronunciando de bonis ecclesiasticis; quia, inquiunt, Papa non habet potestatem in temporalia intra limites Americanae reipublicae; censuras in eos latas probabiliter contemnerent, quasi procedentes ab injusta usurpatione Curiae Romanae (ut eorum verbis utar).

Marechal's embarrassment.

Insuper circiter decem Jesuitae nunc missionariorum in mea dioecesi functionem exercent. Porro si forte obstinaciter denegarent sese submittere mandato sancti Pontificis, non possent amplius sacrum exercere ministerium; atque, in penuria qua laboro sacerdotum, plures congregationes fidelium, per aliquod saltem tempus, pastoribus destitutae relinquerentur.

2º Pauci Jesuitae aetate provecti, qui habitum S^{ti} Ignatii deferunt, destituuntur autem virtutibus sui sancti instituti, brevi Pii VII. forsitan opponent resistentiam. His positis, prudentius mihi videretur, si S. Pontifex conjunctim cum [!] Pater Generalis Fortis declarent omnes Jesuitas in Marylandia degentes, qui sese submittere renuent brevi Pii VII., esse ipso facto ejectos a Societate, reduci ad statum cleri saecularis sub jurisdictione archiepiscopi Baltimorensis; adeo ut ex ejus dioecesi sine ipsius licentia discedere nequeant.

Proposal to expel Maryland Jesuits from the Order, and make them secular priests in Maryland.

Dixi, sine ejus licentia; vindictae enim causa possent simul et eodem tempore meam dioecesim deserere, et sic animae, defectu pastorum, pereundi periculo exponerentur.

In proxima mea epistola sacrae Congregationi exponam ea quae pertinent ad metropolitanam provinciam. Interim, summa cum veneratione gratitudine ac obsequio remaneo,

Eminentissime Cardinalis,

Humill. ac devot. servus tuus,

+ Ambr. arch. Balt.

Eminentissimo Cardinali H. Consalvi,
P.P. Congregat. P.F.

Md.-N. Y. Province Archives, Proceedings of the Corporation, II. 48, 49, *9 Jan., 1823: entry of Neale's Protest, with endorsement by the Corporation. When Neale calls the Protest only* the substance, *he is probably referring to the*

prolix Neale-B. Fenwick Memorial, despatched at the same time to Rome. See No. 184.—*Rome, English College Archives, as above,* ff. 12–15; *copies continued* (*cf.* No. 125) *of Neale's English originals, with Marechal's own prefaces, notes, and conclusions in Latin, to Cardinal Consalvi, Pro-Prefect of the Propaganda.*—*Propaganda Archives,* Acta, 1824 (Baltimori), Sommario, Num.VIII. —*Georgetown College MSS. and Transcripts, Marechal Controversy; C. Neale, Mount Carmel, 23 Dec., 1822, to* Most Rev. Sir, *i.e. Mgr. Marechal; a* copy *for B. Fenwick, 3 pp., 4to.*

No. 127. **1823, January 4.**

Marechal to Dr. Robert Gradwell, Rome. *Incidents. Measures to be taken in the controversy.*

Pour le Dr Gradwel. + Baltimore, 4 janv. 1823.

Mon cher Dr,

Vous etes sans doute deja instruit de mon heureuse arrivée a New-York après une très dangereuse navigation. Le Baron de Treyyl Ambassadeur de Russie près des Etats Unis, ne pouvant soutenir plus long tems les bourasques de la mer, a debarqué avec sa suite en Irelande. Pour moi et quelques autres passagers, nous avons continué notre route, pendant laquelle nous avons eu, pendant près de 25 jours, une succession continuelle de calme et de tempêtes. Mon excellente constitution a resisté aisement a toutes les incommodités du voyage. Je suis parti le 1er oct. du Havre et j'ai mis pied a terre a New-York le 21 nov. La Divine Providence n'a cependant pas permis que j'arrivasse a Baltimore sans éprouver un petit accident. En sautant du Steam boat sur le quay de Philadelphie, je me suis foulé un muscle a la jambe. Pendant près de 13 jours il a fallu garder la chambre. Je me suis cependant rendu le jour de mon arrivée ici à ma cathedrale. Grande certainement a été la joie de mon cher troupeau. Le Te Deum qui a ete executé dans cette occasion auroit, je crois, plu aux oreilles scavantes et delicates des Romains. La joie etoit d'autant plus grande, que mon clergé et mon troupeau commencoient a croire que je ne reviendrois pas dans les Etats Unis. Un bruit avoit couru ici que j'étois nommé archevêque de Vienne, ensuite de Lyon, etc., etc., etc. D'autres historielles encore plus absurdes passoient de bouches en bouches. Dieu merci me voila a mon poste. Mon diocèse est en paix. La pieté fait des progrès; des conversions même remarquables s'operent, etc., etc., etc. Je dois beaucoup a la prudence et au zele de mon grand Vicaire, the Revd Mr. Witfiele [*Whitfield*]. Il me semble même que les choses sont dans un etat plus prospere, que lorsque je quittai l'Amerique.

Marechal: his return to U.S.; and reception.

La seule affaire qui m'inquiète est celle des Jesuites. Ce sont des hommes determinés. Ils rejettent l'authorité de la bulle de Pie VI. et du bref de Pie VII. Il sera necessaire de toute la fermeté des cardinaux, qui ont jugé ma controverse avec eux, pour les faire obeir. Et vous, mon cher Docteur, vous aurez

The Jesuits. Cautions. His packet of documents.

besoin de toute votre prudence, zele et experience pour prémunir le S[t] Siege contre les machines en tout genre que ces bons peres vont employer pour réussir. Dieu merci, toutes les subtilités et ruses de guerre, dont ils font usage dans leurs écrits, sont si visibles, que j'ai peine a croire que les cardinaux ou le S[t] Père se laissent aisément surprendre.

Vous trouverez dans ce paquet :

1º Ma lettre au Card. Consalvi, dans laquelle sont deux lettres du P. Ch. Neale. Je les ai traduites en latin ; du moins la partie qui concerne notre different. Je vous envoye en même tems les originaux.[a]

2º Les deux lettres que j'ai écrittes au P. Ch. Neale. Elles sont en français. J'ai fait usage de cette langue, parcequ'elle est familierre aux cardinaux.

Whitfield to Gradwell.

3º Des notes que Mr. Whitfield a jetté sur le papier en lisant les lettres du P. Ch. Neale. Elles sont pour vous seul.

4º Des lettres pour les cardinaux Consalvi, Rivarola et votre proche voisin [*Fesch*].

The plan of campaign.

La grande lettre latine est pour la Propagande. Il me semble qu'il seroit avantageux de remettre a chaque cardinal une copie de la traduction latine des lettres du P. Neale avec mes notes ; exceptés le card. Consalvi et sigr. Capacini, aux quels je presenterois une copie anglaise des lettres du même P. Neale. Peut être seroit bon de remettre en outre une copie de la traduction latine a M[rs] Sambucy, Ostini, Pistelli, P. Oriolo, etc., etc., etc. Je laisse tout cela cependant a votre excellent jugement et a votre prudence.

Quant au card. Fesch, il est necessaire de lui donner une copie de tous les papiers que je vous envoye, excepté ce que est écrit en anglais. Les originaux du P. Neale me semblent devoir être deposés a la Propagande. Voila bien d'embarras qui je vous donne. Mais nous ne scaurions prendre trop de moyens pour n'etre pas battus par nos adversaires.

Mille compliments respectueux a messeigneurs et excellens amis Isoard et Nicholai. Saluez bien de ma part toute la famille Torlonia. Dites au jeune duc, que j'ai fait sa commission par les mains du Dr. Poynter. Dites aussi a M[gr] Mazzio ou a M[r] Sartory, que les papiers qu'il m'avoit confié ont été remis a M[r] Sartory de Trenton. Je lui ai ecrit et je n'ai pas encore reçu de reponse. M[r] Woodville et Creighton ont aussi recu les lettres que m'avoit remis un neg[*ocian*]t de Naples. Bien de respects a M[e] la princesse Corsini et au P. Fr. de Sales. Je me recommande instamment a leurs sainctes prierres. Mille benedictions a tous vos braves seminaristes, y compris mon coadjouteur et mon sécrétaire. Je n'entends pas la belle musique de ma cathédrale sans penser a M[r] White.

(a) *Here two lines in the original are deleted.*

Quant a vous, mon cher D^r, agréez l'assurance de tout mon respect et de ma reconnoissance.

Tout a vous,

+ Amb., A.B.

Rome, English College Archives, as above; ff. 44–45; *original.*

No. 128. **1823, January 17.**

Marechal to Gradwell, Rome. *Measures to be taken in the controversy.*

+ Baltimore, 17 janvier, 1823.

Mon cher Docteur,

Il y a environ 10 jours, je vous ai envoyé par la voie de Livourne un gros paquet. Il contient 1° la longue lettre latine cy-incluse; 2° les lettres originales du P. Charles Neale, contre la bulle de Pie VI. et le bref de Pie VII.; 3° deux lettres que je lui ai ecrittes depuis mon arrivée; 4. des lettres pour S. E. le Card. Ponente [*Fesch*], le card. Rivarola et Consalvi. J'espere que ce paquet vous arrivera; cependant, de crainte d'accident, j'ai cru devoir vous envoyer un duplicate de ma lettre latine a la Propagande. Je vous l'addresse directement, parceque je crains que, si je l'envoyois a Mg^r. Pedicini, il ne vous fut difficile d'en obtenir la lecture.

Marechal: second consignment of documents. Plan of campaign. Repetitions.

Les lettres du P. Neale ont fait rire ici et scandalisé; il nie ouvertement la jurisdiction de Pie VI. et Pie VII. sur des questions temporelles de cette nature. Vous observerez la durété de ses expressions contre la cour de Rome, les cardinaux, etc., etc., etc. Le reste est une suite de phrases si obscures, fausses ou ambigues, que c'est un vrai galimatie.

Après avoir tiré copie de l'incluse, vous la metterai[*ez*] sous enveloppe et la présenterai[*ez*] a Mg^r. Pedicini.

Je crois qu'il seroit bon d'en donner une copie a chaque cardinal membre de la Propagande, en presentant a chacun mes humbles respects.

Il seroit même utile de donner des copies de deux lettres du P. Ch. Neale, avec mes notes, au P. Grandi, Sambucy, Ostini, Oriolo, etc., etc., etc. Mes adversaires, je vous l'assure, sont de gens determinés. A la distance où ils sont du S^t Siège, ils ont peu de regard pour son authorité. Leur but est d'agir directement avec le S. Pontife, laissant de coté les cardinaux instruits de l'affaire.[1] Avec leurs incroyables subtilités ils espérent reussir. Mais certes! j'espere de la sagesse, du courage, de la magnanimité et de la justice des cardinaux membres de la Propagande, qu'ils scauront faire obeir ces religieux aux decrets du S^t Siege.

Mille respects a Messeig^rs Isoard, Nicolai, Pedicini, Capacini, etc., etc.

[1] *Cf.* No. 121, F, note 16.

Je salue avec une bien tendre affection M^rs^ White, Guillet et tous vos aimables séminaristes.

Vous connoissez mon respect et attachement pour vous. Mon affaire avec les Jesuites demandera toute votre fermeté et votre intelligence. Mais ma cause est trop juste et trop évidente pour que je l'a perdre [*perde ?*].

Tout à vous,

+ Amb., Arch. Balt.

P.S. J'apprendrois avec bien de plaisir que vous êtes actuellement sans entraves dans l'administration temporelle et spirituelle de votre maison.

A tergo: A monsieur,

Le D^r^ Gradwell, superieur du Séminaire Anglais, Rome.

Rome, English College Archives, as above; ff. 26, 27; *original.*

No. 129. **1823, January 28; February 17.**

Marechal to Gradwell, Rome. *Jesuit doings and oaths. Close of the second stage in the controversy.*

J. W. Beschter, S.J. *On the situation.*

A.

Baltimore, 28 janv. 1823.

Mon cher Docteur,

Je prie bien Dieu que les deux gros paquets, que je vous ai addressés, il y a peu de jours, vous parviennent en sureté. L'un d'eux est particulierement interessant. Il contient outre mes [?] lettres, les deux lettres originales du P. Neale avec leurs traductions latines; des lettres aux cardinaux Fesch, Rivarola, Consalvi. Cependant dans la crainte que ces paquets ne s'egarent en route, je vous ecris de nouveau par Liverpool.

Marechal: repetitions: triplicates.

Aussitot après mon arrivée a Baltimore, j'ai envoyé le bref de S. S. au père Charles Neale superieur Provincial de la Societé. Voici mot a mot la reponse qu'il m'a donné.

Here follows a copy of Neale's letter, December 9, 1822, as above, No. 124, B.

Aussitôt après avoir lu cette lettre, ou plutôt cet amas de propositions fausses et injurieuses au S^t^ Siege, de faits mal presentés, d'assertions ambigues, etc., etc., etc., je crois, pous[*s*]é par un sentiment de charité, devoir écrire a ce bon père et tacher de le ramener a de meilleurs sentimens. Mais il m'a repondu de la manierre suivante.

Here follows an abridged copy of Neale's letter, December 23, 1822, as above, No. 126, A.

Le reste de la lettre ne contient rien d'interessant. Pour refuter ce galimatia de faits faux, de propositions volontairement ambigues, etc.,

etc., demanderoit un volume. J'ai ajouté quelques notes dans les paquets qui sont en route, et qui resolvent les principales difficultés. Après les observations que j'ai faites durant le cours du procès a Rome et les conversations que j'ai eu avec vous sur ce sujet, il suffit de vous mettre sous les yeux les principes suivants :

1º Les Jesuites sont actuellement en possession de tous les biens du clergé du Maryland. Ils en ont l'administration absolue ; en touchent tous les revenus ; les vendent même. Il y a peu de jours, ils ont vendus, contre les dispositions du bref de Pie VII., a un Quakre nommé Stump, une terre nommée Arabia Petra, la dernierre des proprietés de la mission d'Harford County.[1]

Repetition of claims. Deer Creek.

2º La Corporation est entierrement composée de Jesuites. Tous les Trustees sont Jesuites, et il n'y a actuellement qu'un prêtre seculier membre de la Corporation, scavoir Mr Wm Mathews.

3º Les propriétés de la Corporation sont ecclesiastiques sous tous les rapports : ecclesiastiques selon l'intention expresse du Lord Baltimore et autres pieux donateurs ; ecclesiastiques d'apres le serment qu'on[t] fait les Jesuites possesseurs devant les magistrats en 1792 ; ecclesiastiques même selon le decret de la Legislature du Maryland, etc., etc., etc.

4º Après avoir fait un serment devant les magistrats, par lequel les Jesuites Trustees s'engagent d'administrer les biens selon l'intention de la loi, il est a dire pour l'usage et le maintien des ecclesiastiques du Maryland, ils en font un decret entr'eux par lequel ils s'engagent de donner tous les revenus à la Societé. C'est ce serment illegitime que le P. Neale craint d'enfreindre [?].[2]

Two Jesuit oaths : one a perjury.

5º Mgr Carroll a toujours exigé que les revenus qu'il recevoit de la Corporation passassent a ses successeurs. Outre les preuves qui se trouvent dans les papiers que j'ai laissé à Rome, en voici une bien concluente : c'est l'engagement pris a cet egard par la Corporation même. Je n'ai point le registre de leurs deliberations. Mais depuis mon retour j'ai trouvé un extrait de la resolution suivante, ecrite de la propre main de Mgr Carroll. Le voici :

Extract from the Proceeding of the Corporation, Sept. 11, 1806. The Corporation adopts a proposal made by the representatives of the clergy, to transfer to the use of the bishop of Baltimore the estate of the clergy on Bohemia, on condition of the bishop's maintaining a priest there for the service of the neighbouring catholics, and that, on the death of the present bishop, the clergy may resume into their hand the estate of Bohemia, on giving sufficient security to the succeeding bishop to pay or cause to be paid

The provision for the two ex-Jesuit bishops.

[1] No. 88, J. *Cf.* Nos. 84, C, D ; 89, D. *This property was not originally among Marechal's claims. He had asked only for Thomas Shea's property, 105 acres. Cf.* No. 198, *Marechal's Diary, April, 1819, where he says of Arabia Petraea, a property bought by Father John Ashton* (No. 85, C), *and distinct from Shea's :* A plantation called Arabia Petraea of about 350 acres belongs to the Jesuits. *Cf.* No. 121, A, note 5.

[2] No. 126, B, *annotation* (7), note 5.

annualles one thousand dollars. It is understood that the timber on the land is not to be sold, but only wood for the necessary purposes on the estate, and fire wood only for the bishop['s] house.[3]

Je laisse a la S. Congregation d'examiner la doctrine peu saine du P. Ch. Neale. Quant a l'obeissance due au bref de Pie VII., j'attends en toute confiance qu'elle l'exigera promptement et efficacement. Je ne le commenderois pas sous peine de censures. Car, comme le P. Ch. Neale et ses vieux confreres pretendent que le Pape n'a aucun droit de prononcer sur le temporel, même consacré a Dieu et a l'église, ils n'en feroient aucun cas. Le mieux seroit que le S. Pontife, avec le P. General ensemble, declarat tout Jesuite qui refusera de se soumettre au bref exclus de la Societé, et reduit a l'état de prêtre seculier, sous la jurisdiction de l'Ordinaire. Quelque vieux obstinés pouront resister, et ce ne sera pas un mal qu'ils soient exclus de la Societé, a laquelle ils ne font point certainement honneur par leur conduite.

Every recalcitrant Jesuit to be made a secular priest of Baltimore.

J'espere que S.E. le cardinal Ponente [*Fesch*] et vous, mon cher Docteur, mettera pour faire terminer ce procès la même activité, intelligence, courage et charité, que vous m'avez temoigné dans le commencement de l'affaire.

Bien de compliments a tous vos seminaristes. Mille respects a Messeig^rs Isoard, Nicolai, Pedicini, etc., etc., a M^r Grandi, Capacini, etc., etc.; Ostini, Sambucy, P. Oriolo, P. Fr. de Sales, principe Corsini; duc of Torlonia, etc., etc., etc.

Tout à vous pour la vie,

Mon cher Docteur,

+ Amb., Arch. Balt.

Rome, English College Archives, as above; f. 46.

As a close to this second stage of the controversy we add some comments from Father J. G. Beschter's letter, 17 Feb., 1823, addressed from Baltimore, where he was pastor of the German Church, St. John's, to the Superior of the Mission, Father Charles Neale, at Mount Carmel, near Port Tobacco. He forwarded at the same time a copy taken by himself of four Resolves from the autograph of the archbishop, who desired them to be signed by the trustees and congregation of St. John's Church. At the same time, Beschter took from the prelate's own Roman copy a transcript of the Propaganda decree, 27 July, 1822, on the subject of Lay-Trustees in

[3] No. 178, Q. *Cf.* Nos. 115, § 21, *ad fin.*; 116, C, note 8; 117, B, note 3. *The text of the Corporation's resolution is not complete in Marechal's* Extract *here; but it is correct in the essential point, that only* the Bishop of Baltimore, *John Carroll, was in question, and* the succeeding bishop, *Leonard Neale, both ex-Jesuits. For a clause left out here, after* the Bishop of Baltimore, *see the context,* No. 116, C, note 8.

general, and forwarding it to Neale he attested it as faithful (*cf. supra*, No. 121, A, II. note 4). *The four Resolves were a rather trenchant application of the decree, according to the first portion of which the trustees of churches already built could not be treated except to moral persuasion.*

B.

Baltimore, Feb. 17, 1823.

Rev. Father Superior, P.C.

Some casual matters about correspondence.

On the 30th ult? the Archbishop came to my house and handed me some Resolves which he wished the Trustees and Pewholders to sign, and he began to speak on the affair of the Jesuits; but I interrupted him by saying that I was tired of that topic, and that I was tired even of Baltimore; that I did not know, if after my year was out I should begin another. *Some altercation. Palafox. Whitfield. The Constitutions of the Society.*[4]

The argument that he made use of at Rome was, that, as there was no means to secure donations for the Catholic Church in these States but by giving them to individuals, and as there were no secular priests here at that time, so all the donations for the Church were given to the Jesuits for the Church; but now, as there are poor bishops, exposed to the caprices of laymen, he begged that all that part of our property might be invested in them, etc., etc. His principle is this, that the property left to the priest was left for the Catholic Church were he lived at that time. Against which principle I give a exemple which hapend to my selve. Whilst I was at Lancaster, the widow Michenfelder gave me one undivided moitié of 1200 acres of land lying in Bold Eagle county, Pa. According to the above principle, that property should have remained for the church of Lancaster, because the donatrix is supposed to have had that intention. Now I can positively assure that such a supposition is quite and utterly false. For the donatrix had not only not given it for the church of Lancaster, but had made it over to me to be disposed either for the poor, or for printing book, or for my own use if I chuse to dispose of it in any manner I chuse. Now, when I was called to be the master of novices, I was affrayed the property should be sold for taxes, and I being to far off to prevent it or to know of it, I returned the same with the papers to the same widow to give it to some body else, who could dispose of it to advantage. This example puts those who have adopted the Archbishop's principles to shame and confusion. As this is a truth which I can affirm by oath if it should be necessary, they cannot draw the conclusion as they wish or the Archbishop, to throw dust in the eyes of his friends says to them, that the professed Jesuits cannot hold any property

[4] *Infra*, No. 210.

as belonging to them, therefore the property, which they obtained from Lord Baltimore, at the destruction of the Society became church property;[5] and that those who had it in trust secured it to the Church by the Act of Corporation;[6] that Rome therefore dispose of it in his favour.

The four Resolves for the German congregation.

This is a faithful copy of the Archbishop's own handwriting.

J. W. BESCHTER, pastor,
St. John's, Baltimore.

Tho all the above is quite catholic, my congregation have refuse to sign it, because they say they have reason to fear the Abp. might be inclined to deprive them of the priviledge of having a German pastor, etc., etc.

Md.-N. Y. Province Archives, 1823, Feb. 17.

We arrive at the third and final stage of the controversy with Mgr. Marechal. It exhibits his claims to property of the Jesuits as becoming more openly involved in claims to acquire jurisdiction over themselves; his resigning all immediate advantages under the Brief, because of the publicity now given to the dispute, and particularly because of fears arising from the side of the American Government; his substituting a demand for a pension on behalf of his see; finally, his acceptance of the offer which was made by the Society, not in Maryland but in Rome, to gratify himself personally during his life with $200 per quarter. As he died at the age of fifty-nine, about seventeen months after this arrangement was made, he had received through Gradwell, his agent in Rome, $1000, a sum which could not have defrayed the expenses incurred in the contentions of six years' duration.

For more documentary matter from the Marechal correspondence, which is interminable in its repetitions and dimensions, reference may be made to the last part of this Excursus: Section VII.

No. 130. **1824, July 20; (1831).**

Marechal to Cardinal Della Somaglia, Pro-Prefect of the Propaganda. *On the matter of jurisdiction over the Jesuits, their property and churches. The Severoli rescript of 1813.*

The General, Father John Roothaan, to the Superior of the Maryland Mission. *On Episcopal jurisdiction and rights of regulars.*

[5] *Cf.* Nos. 142–144, *Carroll's views and plans; also* No. 178, *Carroll on Jesuit property titles. As to the argument about the lapse of Jesuit property into other hands by the fact of Suppression, cf.* Nos. 187, *ad fin.*; 220–224.

[6] *Cf.* Nos. 163, 164, 167.

A.

Baltimori die 20 julii 1824.

EMINENTISSIME CARDINALIS,

1º Rev^dus P. Franciscus Dzierozinski, paulo post quam ex Russia huc advenit, fuit a praeposito generali S.J., P. Fortis, nominatus superior Jesuitarum, qui in his nostris regionibus sacrum exercent ministerium. Porro iste Rev^dus pater contendit se suosque subjectos omnibus gaudere privilegiis quae a serie S. Pontificum antiquae Societati fuerunt concessa; atque cum ipsi observarem hanc ipsius sententiam alienam prorsus esse tum textui bullae Pii VII., qua restaurata fuit Societas, tum judicio Card. Pacca et ipsiusmet R^di P. Fortis, quibuscum, dum Romae commorarer, ea de re conversatus sum, subsequens instrumentum, quo sua nititur sententia nuperrime ad me misit:[1]

Marechal. 1. Jurisdiction; the Society's privileges. Rescript of Dec. 24, 1813.

[1] *Marechal writes this nine months after Dzierozynski sent a copy of the document to the prelate. The implications in this first paragraph of Marechal to the Cardinal Prefect of the Propaganda are incorrect as to Dzierozynski having been Superior of the Jesuits almost from the time of his arrival in America,* paulo postquam ex Russia huc advenit; *and, in that capacity, having submitted this paper to the prelate. That Father had come to America, not from Russia as stated here, but from Italy. He was not yet Superior two years later, when Marechal asked him for the document here cited. After that, and only eight months before this letter to Card. Della Somaglia did the advice reach America of Dzierozynski being appointed Superior.*

(*English Province Archives, Letters of Charles Plowden, portfolio* 2, ff. 32, 33; *Plowden, Reggio, 6 Sept., 1820, to Tristram, Rector of Stonyhurst:* At Bologna, I saw the Superior of the [*Russian*] exiles, Fr. Dzierozynski; *Plowden will recommend him to the Vicar-General for the American Mission.—General Archives S.J., Maryl. Epist.*, 2, viii., *Dzierozynski, Porto-Ferrajo in insula Elba, 14 July, 1821, to the General. Ibid.*, Epist. VV. et Gen., 1783–1825, *the General Father Fortis, 4 May, 1822, to Dzierozynski in America, where he had arrived after a four months' voyage. Ibid., and Chartophylacium P. Korycki, secretary,* p. 97; *the General, 4 Aug., 1823, to Dzierozynski, announcing the Letters Patent, appointing him Superior of the American Mission.—Md.-N.Y. Province Archives, Marechal, Baltimore, 22 Oct., 1823, to Dzierozynski, Georgetown; asking for the document here quoted* (No. 130, A). *Ibid., Marechal, Baltimore, 30 Nov., 1823, to Dzierozynski, Georgetown; letter of congratulation on his appointment as Superior of the American Mission.*)

The letter of Marechal, asking for a copy of the document from Dzierozynski, who was not yet Superior, runs thus, in an English style which is not like his own:

Balt^e. 22 Oct^r. 1823.

REV^D. FATHER,

When I had the pleasure of conversing with you, last week, you exhibited to me a letter containing certificates under the hand and seal of the secretary of the Society, which, you said, prove that you and your Rev. Brethren in this country enjoy the ancient privileges granted by a series of S. Pontiffs to your religious community. I must confess that, casting my eyes upon them, I merely attended to their dates and signatures. As, however, it is important for me to know their contents, will you have the goodness to send me a copy of them. Recommending myself to your prayers,

I remain with great esteem,
Rev. Father,
Your humble serv^t.
+ AMB. A.B.

Marechal's carefully written and elegant letter of five weeks later, on Dzierozynski's appointment (1 p. 4to), begins thus:

Balt., die 30^a. nov. 1823.

REV^DE PATER.

Gratias plurimas lubentissime agimus Domino Deo nostro, te Societatis

"Authenticum responsum S. Pontificis Pii VII. datum R^do P. nostro generali Thaddeo Brzozowsky per nuntium apostolicum Vienn. Archiep. Viterbien. Excell. Severoli anno 1813, ad preces dicti generalis, respectu Jesuitarum Americae foederatae, Angliae, Hiberniae, etc.

"'Beatissime Pater.

"'Attenta difficultate Ill. DD. episcoporum et vicariorum in Anglia, Hibernia, America atque insulis maris Aegaei, eorum [*eos*] [a] sacerdotes aut clericos qui ex benignitate apostolica sub obedientia praepositi generalis Societatis Jesu ejusdem Societatis institutum profitentes in veste presbyterorum saecularium aut propria ordinis ibi degunt, habendi tanquam regulares praefatae Societatis alumnos, eo quod apostolicum hac super re beneplacitum illis non innotescat, praepositus generalis ejusdem Societatis, ea qua par est humilitate ac reverentia, supplicat Sanctitati suae ut declarare dignetur praefatis Ill^mis ac RR^mis episcopis et vicariis apostolicis, clericos et sacerdotes supra descriptos ita ad Societatem Jesu pertinere ut primi promoveri possint ad ordines titulo paupertatis, caeteri vere in [*iis*] [a] privilegiis omnibus [*ibi*] [a] gaudeant quibus gaudent socii in Russia existentes.

"'Authoritate apostolica a SS^o D. N^o Pio VII. nobis specialiter tributa sub die 10 nov. 1813, declaramus sacerdotes et clericos, de quibus in precibus, ita pertinere ad Societatem Jesu, ut isti titulo paupertatis ad sacros ordines, servatis servandis, possint admitti; ii vero in regionibus ubi modo ex apostolica benignitate degunt iisdem privilegiis fruantur, quibus gaudent alumni Societatis Jesu in Russia.

"'Vindebonae, ex aedibus S. Apost. Nunt. 24 decembris 1813.

"'(L. S.) A. G. Arch^us Episc. Viterbii, Nuntius Apostolicus Delegatus.

"'Joannes Bapt. Bearze [*Beazzi*],[a] S. Apost. Nuntiat. Pro-Cancellarius.'

"Hujus responsi ipsum authenticum fuit exhibitum Petropoli notario apostolico RR. DD. Antonio Lochmann Van Multzen, qui, recognita ejus authenticitate, factam ex eo copiam fidelem pro America foederata transmittendam propria manu et testimonio cum sigillo ita subscripsit:

"'Fidem facio descriptum hoc exemplum suo authentico quod vidi et legi in omnibus esse conforme.

(a) *S. Sanguineti, S.J.*, La Compagnia di Gesù e la sua legale esistenza nella Chiesa: risposta agli errori di G. L. Chaillot, nel libro, Pio VII. e i Gesuiti; *Roma, 1882; pp. 211, 212.*

in his regionibus Superiorem a Rev^do Praeposito tuo generali fuisse constitutum. . . .

Rev^de Pater,

Humilis in Xto. serv. tuus,

+ Amb. A.B.

Beschter, Baltimore, 3 Dec., 1823, to Dzierozynski, acknowledges the receipt of the announcement, 28th Nov., *that the latter has been appointed Superior.*

"'Petropoli, 12 jan. 1814.

"'Ant. Lochmann Van Multzen notarius apostolicus.'

'Copiam copiae cum subscripto RR. DD. notarii apostolici et sigillo in Americam missae iterum transmisit secretarius Societatis Jesu; subscriptione, testimonio et sigillo curiae generalis ita munivit:

"'Hanc rescripti S. Pontificis copiam copiae in Americam 25ª jan. 1814 missae per omnia ad verbum conformem esse attestor sigillo curiae generalis, illam firmans manuque propria ex officio subscribens, 11ª septembris 1814. Petropoli.

"'(L. S.) Jos. Korycki, secretarius Societatis Jesu.'

"Ejusdem secretarii Societatis Jesu Jos. Korycki propria manu descriptam copiam nuper attuli etiam mecum. Ex qua me fideliter omnia transcripsisse attestor.

"Franciscus Dzierozinsky, Societatis Jesu superior missionis in America foederata." [2]

Ex hoc instrumento, antea prorsus mihi ignoto, concludit R. P. Dzierozinsky se suosque gaudere omnibus privilegiis quibus gaudebant in Russia Jesuitae, id est juxta ipsum, omnibus privilegiis quibus donata fuit antiqua Societas.[3]

[2] *This title, affixed to Dzierozynski's name, seems to be an addition of Marechal's. See supra,* note 1. *The reason for a* copia copiae, *sent by the secretary of the Society, 11 Sept., 1814, was because a former copy had never come to hand in America. In fact, the first transcript arrived in a letter of Charles Plowden, 19 April, 1814, to Carroll.—The relevancy of Marechal's clause in the next line,* antea prorsus mihi ignoto, *is not clear. He was not Archbishop of Baltimore, on the 14th of Oct., 1814, when Archbishop Carroll received Plowden's communication, and despatched it to Grassi:* I cannot forbear sending for your perusal the enclosed comfortable letter from Fr. Chs. Plowden. *Grassi, in turn, writes (19 Oct., 1814) to Father Cary, at St. Thomas's Manor:* P.S.—Great news! The Most Rd. Archp. has communicated to me a letter from F. Plowden of April 19, 1814, with the pleasant intelligence that, at the request of the Archp. of Vienna a rescript was obtained from his Holyness. . . . (*English Province Archives,* Litterae Generalium, *1814, Jan. 25; May 4; July 10, the General to the English Provincial Stone, on the copy of the Rescript for Grassi, America.—Md.-N.Y. Province Archives, 1814, Oct. 14, Carroll, Baltimore, to Grassi, 1 p. 4to,* No. 168. *Ibid., 1814, Oct. 19, Grassi, Georgetown, to Cary, St. Thomas's Manor; a* P.S., *endorsed on a letter of McElroy's to Cary.*)

[3] *At the Provincial Council, held in Baltimore, 1829, Father Dzierozynski, still Superior of the Mission, repeated this thesis regarding the Society's privileges, and maintained it, chiefly against Rev. Mr. Bruté, the theologian of Bishop England. The latter prelate signified his satisfaction afterwards at all that Dzierozynski had said "in defence of the entire Order." But the new General, Father John Roothaan, did not. In answer to Dzierozynski's very full account, in which the Superior, among other things, tried to explain away the statement of the late Mgr. Marechal, that Father Fortis had said, "We have no privileges," Father Roothaan took him sharply to task on the merits of the thesis in itself, and on the impropriety of having propounded it in public. Up to the date of 1829, there had been only two stages in the existence of the revived Society under the aspect of its ancient privileges: one, from the time of its restoration for the whole world in 1814 to the year 1826, during which period the Society "had no privileges at all;" the other, from 1826 to the date of the General's letter (1830), when it possessed "no other privileges or faculties beyond those which were granted by Leo XII." in his Brief,* Plura inter, *issued 11 July, 1826. The General's letter, which is long, must be reserved for another place.* (*General Archives S.J., Maryl. Epist.,* 3, iii., *1829, Nov. 26, Dzierozynski to the General, Father John Roothaan.*

2° Scit Sacra Congregatio quanta mala nata sunt ex systemate laicorum administratorum (Trustees) quibus valde imprudenter olim multitudo fidelium commisit titulum civilem in ecclesias, coemeteria, etc., etc., etc. Periculo ejusdem fere generis nunc exponitur sedes Baltimorensis.

2. Property. Lay-trusteeism renewed in Jesuit tenures.

Videlicet missionarii Jesuitae variis secretis suasionibus indu[c]ere conantur fidelium multitudinem ut titulum civilem committat alicui membro Societatis. Quod si semel obtineant, illud membrum hunc eumdem titulum civilem committit procuratori Corporationis Marylandiensis, idest Societati.

Nunc autem virtute illius civilis tituli contendit superior jus patronatus se quoddam habere, neque me praeponere posse hisce ecclesiis pastorem qui non sit Societatis.[4]

The Jesuit jus patronatus.

Hoc semel posito, enixe precor Sacram Congregationem ut attendat summis difficultatibus quibus exponitur pax ecclesiae Baltimorensis. Namque—

1. Haec bona sacra, quae virtute civilis tituli obtinet Corporatio Marylandiensis seu Societas, extra omnis ecclesiasticae potestatis jurisdictionem[5] ponuntur, etiam S. Pontificis. Contendunt namque Jesuitae, qui hanc Corporationem constituunt, Papam jus nullum habere in haec sacra bona intra limites reipublicae Americanae, uti videre potest S. Congregatio recurrendo ad

Ecclesiastical jurisdiction *versus* the rights of ownership.

Ibid., Epist. A. R. P. N. G. Roothaan, ad diem 27 Mart., 1830, *Jan. 30*, No. 43, *the General to Dzierozynski.*) *See* No. 130, B, *infra: Roothaan's* Responsa.

The mind of Father Fortis, who at the beginning of this letter is cited by Marechal as being of an opinion different from that of Dzierozynski, is sufficiently clear from his statement, 3 Feb., 1821, to Kohlmann (*supra*, p. 402, note 49); *as also from his letter, 24 May, 1822, to Pedicini* (No. 121, J, *ad fin.*), *where he appeals only to the* Jus Commune *of all regulars. Likewise in his answer* (*composed by Rozaven*), *4 Feb., 1822, to Marechal* (No. 116, D, § 19, 3°), *the statement is absolute:* praeterea restitutae Societati non sunt restituta antiqua privilegia.

[4] *This is not exact, as appears from Carroll's joint management with the Jesuit Superior, when there was question of administering a church belonging to the Jesuits on their own property, or, in other words, as Marechal expressed it, when there was question of the* jus patronatus (*cf.* No. 120, note 4). *The clause should have been added here:* vel qui non sit acceptatus a Superiore Societatis. *And this Marechal himself recognized in practice* (*cf. ibid.*). *On a* titulus civilis, *cf.* No. 121, A, Notae, 2°

As a formula, describing the modus vivendi between the Ordinary and the Superior, nothing could be clearer than the second article of the attempted Carroll-Molyneux contract, not reported by Marechal to the Cardinals (No. 115, § 23). *Either Carroll's original text, or that of his memorandum correcting the original* (*cf.* No. 116, D, note 24), *serves equally well to define the situation. See* No. 186. *We transcribe the memorandum form, as presumably the result of maturer reflection:* 2. The Bishop, having necessarily the power of appointing the pastors of his Diocess, will proceed in the following manner in the appointment of those, to whom he will commit the care of the Congregations, appendant to, and served in the houses of the Society. He will advise the Superior who those clergymen [*are*], to whom such Cong[ns] are destined; and, if the Superior make no objection, they are to be received, as usual, to the accustomed residence and maintenance. But, if the Superior object to their residence in the houses of the Society, the Bishop will either make another appointment, or recommend to the Congregations to make provision for the residence and maintenance of their pastors.

[5] Extra . . . jurisdictionem: *the writer seems to mean*, extra . . . administrationem temporalem. *Cf.* No. 139, A, *ad* note 5.

epistolam R. P. Caroli Neale superioris Societatis in America, cujus ipsummet authographum misi Romam.[6]

2. Quantum ad jurisdictionem ordinarii spiritualem in illas ecclesias parochiales, coemeteria, etc., etc., etc., quorum titulum civilem obtinent iidem patres, fere nulla est quia—(1) jus patronatus sibi vindicant, neque mihi datur sacerdotem saecularem illis ecclesiis praeponere ; (2) quia sacerdotes Societatis, qui his ecclesiis praeponuntur, tot privilegia sibi vindicant, ut jurisdictio ordinarii in illos missionarios ad nihilum fere reducitur[*atur*].

Quaero igitur a S. Congregatione simul et a Sancta Sede (Sacrae Congregationis enim jurisdictionem non agnoscunt Jesuitae), ut quam cito clare ac distincte solvat praefatas difficultates : (1) de privilegiis quae sibi vindicat superior Societatis in mea dioecesi virtute instrumenti suprascripti quod ex Russia secum attulit ;[7] (2) de praetenso jure patronatus quod sibi vindicat idem superior.

Florescunt in mea dioecesi pax et religio. Sed tantae sunt angustiae quae me premunt atque difficultates quibus objicior, tum ratione rejectionis brevis Pii VII., quo bona temporalia sedis Baltimorensis extra omne periculum posita mihi videbantur, tum ratione privilegiorum et juris patronatus, quae sibi vindicat superior Societatis, ut distincte praevideam, nisi Sancta Sedes his malis promptum et efficax remedium afferat, ante longum tempus me fore redacturum [!] ad hanc duram necessitatem, ut S. Pontifici meam sedem dimittam.

Threat of resigning his see.

Ferventer oro D. M. O. ut Eminentiam tuam diu servet incolumem.

Humillimus ac devotissimus servus tuus,

Amb., Arch. Balt.

Eminentissimo Card. Della Somaglia.
Pro-Praefecto S. Cong^is^ P. F.

Rome, English College Archives, as above, ff. 129, 130 ; *a copy.*

On the merits of the question regarding the privileges of the Society (*cf.* No. 130, A, note 3), *as well as on some other points mooted by Mgr. Marechal, the General, Father John Roothaan, conveyed definite instructions to the Superior, Father Dzierozynski, in several Answers, or* Responsa ad Varia Quaesita Americae. *They are contained in a document which belongs to a date between*

[6] Nos. 124, B ; 126, A. *The question of jurisdiction does not appear in either letter of C. Neale's.*

[7] *The receipt, in America, of this instrument which had been sent, as it expressly states, on 11 Sept., 1814, cannot be referred to the date (1822) of Dzierozynski's arrival, as if the paper were a novelty now submitted for the first time to the notice of the Archbishop of Baltimore ; but, as Dzierozynski's formal quotation of it from the copy of 1814 sufficiently intimated, the receipt of the document belonged to the time of Archbishop Carroll. See supra*, notes 1, 2.

the Provincial Synod of Baltimore, 1829, and the publication of its decrees, 30 June, 1831. The General gives answer that a certain synodal decree, about ceding to the Ordinary of a diocese all churches which shall be built in future, cannot affect the common law governing regulars; and that, in point of fact, the decree referred to has been corrected in Rome. He goes on to state that the common ecclesiastical law requires the consent of the Ordinary for the erecting of a new church or house by regulars; but that churches, which are only repaired or reconstructed with the help of alms collected from the faithful, are not new structures in the sense of the canons; and, further, that in the Society the administration of church temporalities is vested, not in the procurator, but in the Superior.

B. (1831.)

RESPONSA AD VARIA QUAESITA AMERICAE.

1–10. Answers to various questions.

11. Societas non habet hodie alia privilegia seu facultates quam quae in Const. Pii VII. Sollicitudo, et Brevi Leon. XII. Plura inter continentur.

12–13. Answers to other points.

14. Synodus Dioecesana Baltimorensis, sanciendo statutum archiepiscopi [*Whitfield*] ut omnes quae in posterum aedificabuntur ecclesiae ipsi archipraesuli cedantur, necessario subintellexit clausulam, salvis juribus regularium, decretis Concilii Provincialis ex Romana correctione appositam, cui certe derogare non poterat Dioecesana.

15. Est lex generalis nullam posse stabiliri novam ecclesiam nec domum a regularibus sine praevio consensu Ordinarii. Ubi igitur casus occurrit, ad Ordinarium recurrendum est. Non videtur autem Ordinarius exigere posse, ut hujusmodi ecclesiae ipsi cedantur in proprietatem.

16. Ecclesiae quas nostri ex eleemosynis undecumque acceptis reaedificant, quia v.g. nimis parvae erant, vel vetustate cadentes, certe per ipsam reaedificationem non amittitur earum dominium. Si vero novam erigant in loco ubi nullam habebant, idem tenendum quod supra.

17. In administratione eorum quae ad fabricam ecclesiarum pertinent, procuratores omnino a Societatis superioribus dependere debent. [*End of* Responsa.]

C. 1831.

To the official publication of the Synod's Acts (1831), a decree of the Propaganda was prefixed, signifying the Congregation's approval, 28 June, 1830, and the Pope's sanction, 26 Sept., 1830, as communicated by Card. Capellari, Prefect, C. Castracane, secretary, 16 Oct., 1830.

Here was subjoined the following note, relative to some admodum leves immutationes *introduced into the Synod's decrees, under instructions from the Propaganda :*

Caeterum Sacra Congregatio pauca RR. PP. DD. Praesulibus Provinciae Baltimorensis, "per modum instructionis, insinuanda esse existimavit," circa Synodi Baltimorensis decreta. Cum his igitur admodum levibus immutationibus, suffragio Illustrissimi Archiepiscopi, et Reverendissimorum Episcoporum qui Concilio interfuerunt, probatis, decreta ipsorum unanimi consensu typis mandantur : anno scilicet reparatae salutis 1831, die vero Junii 30.

Comparing § *14 of the General's* Responsa *with the analogous decree of the Synod as published, it appears that the clause indicated by the General was introduced in ample terms. The decree, as published, not only makes a sharp and obvious distinction between lay trustees and regular Orders (cf. supra,* No. 121, A, note 4), *but implies a similar and obvious distinction between ecclesiastics in general and the same Orders :*

V. Quum saepius aeditui laici abusi sint jure sibi a civili potestate tributo, in magnum religionis detrimentum non sine fidelium scandalo, optamus maxime nullam in posterum erigi ecclesiam aut consecrari, nisi fuerit Episcopo, in cujus dioecesi erigenda est, in cultum divinum et utilitatem fidelium instrumento scripto adsignata, quandocumque id fieri poterit : Regularium etiam privilegiis sartis tectis servatis, secundum ea quae a jure canonico et Romanorum Pontificum constitutionibus decreta sunt. Hoc tamen decreto nihil innovare volumus in ea ratione agendi quam in sua dioecesi Episcopus Carolopolitanensis [*Bishop England*] jam servat (*cf. infra,* No. 132, *ad fin.*).

Compare the decree of the Second Plenary Council of Baltimore (1866), § *195, derived from the Seventh Provincial Synod of Baltimore,* § 60 (*infra,* No. 135, V., p. 575). *This latter mentions, besides the regular Orders, an additional class of corporate bodies, that of a Congregation of Priests. Here the conception of Church jurisprudence and policy was very different from what had been entertained and propounded by Mgr. Marechal in 1820–1827* (*infra,* No. 135, A, note 40 ; *ibid.,* B, *seq.*).

General Archives S.J., Epist. Gen., fol. codex : Miss. Amer. a die Aprilis, 1830 ; Prov. Maryl. a die 2 Feb., 1830 [*ad 17 Sept., 1853*] ; Responsa ad Varia Quaesita Americae ; *the last document, s.d., entered before decree, 2 Feb., 1833, erecting the Mission of Maryland into a Province. Ibid., printed pamphlet :* Concilium Baltimorense Provinciale Primum, habitum Baltimori, anno reparatae salutis 1829, mense Octobri. Baltimori ex typis J. D. Toy, 1831 (*8vo, pp. 29*) ; pp. 12, 13, 15.—Concilii Plenarii Baltimorensis II. Acta et Decreta, *as infra,* No. 135, V.—*The American letters which called for the* Responsa *of the General, Father John Roothaan, seem to be those of Fathers Thomas Mulledy, 27 Mar., 1829, 7 Jan., 1830 ; William McSherry, Mar., 1829 ; Dzierozynski, 23 Mar., 1830, 28 Jul., 1830 ; all in the General Archives S.J., Maryl. Epist.,* 3, iv.

No. 131. **1824, November 4.**

Marechal to (Cardinal Fesch). *The Jesuits and the American Government. The temporal interests of the Baltimore See. A pension to be had from the Jesuits. The spiritual interests. Reformation of the Maryland Jesuits: their privileges, churches, members.*

Baltimore 4. Novembre 1824.

Mon très bon et très cher Seigneur,

1.

Quoique je n'ai pas encore reçu la Ponenza,[1] je m'empresse de repondre a votre très interessante lettre du 3 août dernier.

Depuis que j'ai ecrit a votre grandeur, je me suis fait un devoir de tacher de decouvrir les menées de mes adversaires aupres du gouvernement Americain. Pour réussir, j'ai ecrit une lettre a M^r. Daniel Brent, premier sécrétaire du ministre des affaires etrangeres, que je connois et qui me respecte, malgré ses liaisons avec quelques Jesuites. Je vous envoye l'autographe même de sa reponse. J'aime mieux que la Propagande la fasse traduire que de le faire moi même; de peur que l'on ne m'accuse d'en avoir peût-être alterés les traits. Elle verra que non seulement mes adversaires ont representé a M^r. Q. Adams, sécrétaire d'état de notre republique, le bref de Pie VII. comme une violation de la supreme et independante jurisdiction des Etats Unis; mais encore a d'autres officiers de notre gouvernement; et qu'ils ont sollicité une lettre menaçante contre le gouvernement de Sa Saintété ! ! ![2]

Marechal. Property: the Jesuits, the Brief, and the Government U.S. D. Brent.

2.

Lorsque les Jesuites attaqueront[*ent*?] les droits temporels de mon siege, j'ai cru que j'étois tenu de le defendre. En portant la décision de ma cause au S^t. Siège, jamais je n'aurois soupçonné que des religieux qui y sont attachés par un voeu particulier, rejetteroient non seulement son jugement, mais iroient jusqu'a nier sa jurisdiction. La lettre de M^r. Daniel Brent prouve jusqu'a quelle extremité ils peuvent se porter.

The Jesuits' vow of obedience.

J'aime l'eglise du Maryland; mais j'aime mieux encore l'eglise catholique; et comme il est evident, vues les mauvaises dispositions de

[1] *The* Ponenza *is the printed presentation of the case by the Cardinal reporter or* Ponente; *and it contains his* Ristretto, *a summary or brief, with a selection of documents on the case. Excerpts have been given from the* Ponenza *of 1822, in* Nos. 115–121, A. *The* Ponenza *here referred to is the second in the controversy (1824), drawn up in Rome under the supervision of Card. Fesch.*

[2] *Cf.* Nos. 135, Prop. 17, note 41; 206, 207.

mes adversaires, qu'en insistant sur l'execution du bref de Pie VII. ils peuvent faire beaucoup de mal a l'eglise de J.C., je vous prie de dire a mon nom a la Propagande, que je me contenterai d'une pension annuel[*le*] de mille piastres par an, pour vous [*pourvu*] toute fois que le P. General commande a ses sujets en Amerique de me donner une hypotheque sur les biens dont ils ont l'administration. Ce sera a mes successeurs a reclamer, s'ils le jugent a propos, l'execution du bref de Pie VII. dans des tems plus heureux.

Abandons claim to White Marsh; will accept $1000 a year.

Bien plus, monseigneur, vous m'obligerez de dire a la Propagande, que [*je*] suis prêt a renoncer a tous les revenus aux quels j'ai droit, si le bien et la paix de la religion le demandent; mais en même tems j'espere que le S^t^ Siege voudroit bien accepter la demission de mon siège, si dans quelques tems l'administration de mon diocese et de la province me devient impossible, faute de pouvoir faire face aux depenses qu'elle exige.

Threatens to resign his see.

La dette des Jesuites se monte seulement a 22,000 piastres. Je tiens ce fait tout recemment de deux Jesuites, membres de la Corporation.[3] Ils ne parlent point de ce qui leur est dû. Les Jesuites sont pauvres! ce sont, monseigneur, les Mylords ecclesiastiques de mon diocèse. Les missionnaires séculiers sont seuls vraiment pauvres. Apres avoir passé leur vie dans des travaux les plus penibles et ayant a peine le victum et vestitum, ils n'ont aucun endroit ou ils puissent se retirer dans la viellesse et dans le cas d'infirmités. Le cœur me saigne en y pensant et je ne puis y remedier.

Jesuits the "Mylords" of Maryland.

Je ne repeterai point ce que j'ai souvent dit a la Propagande, que les Jesuites pouvoient me remettre White Marsh, sans eprouver la moindre difficulté a raison de nos loix, et s'ils resistent, et cherchent a se couvrir sous l'apparente authorité de ces loix, c'est une pure ruse de guerre, qui ne les justifie, ni aux yeux de la religion, ni a ceux de la conscience, ni aux yeux de l'eglise.

White Marsh est preferable a tout autre plantation, a raison de la proximité de Baltimore; mais non certes a raison de la fertilité.[4] Mais comme j'y renonce, il est inutile d'en parler d'avantage.

White Marsh an inferior plantation.

3.

Venons actuellement au spirituel.

1° D'abord quant aux privilèges, la Propagande peut decider cette question en un instant. Je m'en tiens aux termes de la bulle de la restauration par Pie VII.: consentientibus atque adprobantibus ordinariis.[5] Le papier que

Jurisdiction: Jesuit privileges.

[3] *Cf.* No. 135, Prop. 2.
[4] *Cf.* No. 135, Prop. 14, note 37.
[5] *This clause in the Bull,* Sollicitudo omnium ecclesiarum, *qualifies the papal*

le P. Dzierozinsky a apporté de Russie est-il de quelque valeur? La Societé jouit-elle de la multitude des privilèges énumerés dans les brefs de Paul III. de l'an 1545 et 1549? Un mot clair de reponse decidera la question. Le P. Dzierozinsky est un bon religieux. Seulement il paroit tres entiché de ses privilèges.

2º Je regarde comme une mesure essentielle a prendre par le P. Fortis pour prevenir des malheurs, dont on ne peut prevoir toute l'étendue, d'intimer a ses sujets d'Amerique de ne jamais recevoir le titre civil d'aucune eglise.[6] Car, ces titres civils étant une fois transmis a la Corporation du Maryland, les Jesuites qui le composent, avec les principes qu'ils professent ouvertement, peuvent, quand il leur plaira, convertir toutes ces eglises en autant de redoutes non seulement contre l'archevêque, mais encore contre l'authorité de leur général et celle du pape. Leur conduite actuelle le prouve.

Jesuits to be incapacitated from owning any church. Their churches as "redoubts."

3º Mais le point incomparablement le plus important est de renouveller en quelque sorte la Societé qui existe dans le Maryland. Il y a certainement de bons sujets. Mais il y en a de mauvais, qui par leur turbulence et leur ambition peuvent deshonorer leur corps, et faire un mal considerable a la religion en Amerique. Le meilleur plan, que le pere Fortis puisse adopter, est celui proposé par leurs eminences les cardinaux Gregorio et Castiglioni, c'est a dire d'envoyer hors du Maryland ceux qui ont perdu l'esprit de leur etat et suppléer a leur place de bons religieux. Cette opération peut se faire sans bruit et avec facilité.

Reformation of the Maryland Jesuits. Programme.

provisions regarding the functions of preaching and administering the Sacraments in the dioceses of respective Ordinaries. It has nothing to do with the provisions of the Bull in general. After authorizing the erection of houses, colleges, etc., and commissioning the Order to educate youth, govern colleges and seminaries, it proceeds to add the qualified clause, quoted here without its context; and goes on immediately to withdraw the whole Order, all colleges, houses, provinces, and members from the obedience of all prelates save that of the Holy See: Concedimus etiam et declaramus, quod pariter juventuti, catholicae religionis rudimentis erudiendae ac probis moribus instituendae, operam dare, necnon Seminaria et Collegia regere, et, consentientibus atque approbantibus Ordinariis locorum in quibus eos degere contigerit, confessiones audire, verbum Dei praedicare et Sacramenta administrare libere et licite valeant. Omnia vero Collegia, Domus, Provincias, Sociosque sic conjunctos, et quos in posterum conjungi et aggregari contigerit, jam nunc sub immediata Nostra et hujus Apostolicae Sedis tutela, praesidio et obedientia recipimus; Nobis et Romanis Pontificibus successoribus Nostris reservantes ea statuere ac praescribere, quae ad eamdem Societatem magis magisque stabiliendam et communiendam, et ab abusibus, si forte (quod Deus avertat) irrepserint, repurgandam, statuere ac praescribere visum fuerit expedire. *Later on, archbishops and bishops are recommended not to allow of any vexation which might annoy the said members of the Society, and to set the example of charity and benignity towards them:* Denique dilectis in Christo filiis illustribus et nobilibus viris principibus ac Dominis temporalibus, nec non venerabilibus fratribus Archiepiscopis et Episcopis, aliisque in quavis dignitate constitutis, saepe dictam Societatem Jesu et singulos illius Socios plurimum in Domino commendamus, eosque exhortamur ac rogamus, non solum ne eos inquietari a quocumque permittant ac patiantur, sed ut benigne illos, ut decet, et cum charitate suscipiant. *Cf.* No. 61, *Paul III., Bull*, Licet debitum, *18 Oct. 1549.*

[6] *Cf. supra*, No. 130, C, V., *the decree of the Provincial Synod of Baltimore, 1829.*

En premier lieu, le P. Fortis devroit chasser de la Societé le P. Marshall ;[7] c'est décidement un mauvais sujet. Le public et la tres grande majorité de ses confrères se rejouiront de son expulsion.

Expel one from the Order; relegate a second; make a third a bishop.

En second lieu, tant que le P. François Neale sera dans la Maryland, il restera le maître absolu des affaires temporelles et opposera une resistance invincible au bon ordre que le P. Fortis s'efforcera d'introduire. Il est necessaire de donner a le [*ce*] père une obedience pour Conewago dans la Pennsylvanie, et cela sous peine de censure. Conewago est une maison de la Société qui est très agréable et où il pourra se preparer a une bonne mort. Son âge seul et ses infirmités le demande[*nt*].

En troisieme lieu, j'ai proposé le P. Benoit Fenwick pour le siège des Florides ou celui de Boston. C'est un bon sujet, sous une multitude de rapports. Mais, se trouvant constamment dans la société des membres de la Corporation, il est a craindre qu'ils ne l'entrainent dans leur parti. Igitur promoveatur et arceatur.[8]

Ces trois religieux envoyés hors du Maryland suffiroient pour rendre la reforme facile ; pourvu qu'en même tems le P. general envoye tout de suite de Rome les sujets Americains qui ont reçu leur education religieuse ; surtout les PP. Young, Vespres et Mylady. Comme je presume qu'ils sont tres pieux, leur presence ici est absolument necessaire pour augmenter le nombre de leurs bons confrères et soutenir les foibles. Ayez la bonté de recommander fortement ce plan de réforme a leurs Em. Gregorio et Castiglioni.

Rappeller d'Amerique en Europe les bons sujets et nous laisser ceux qui sont gangrenés, c'est le plan le plus pernicieux que pouroit prendre le P. Fortis. Et a vous dire la vérité je suis etonné qu'il l'ait même proposé a la Propagande.[9]

Il est assurement inutile d'observer a votre grandeur que je ne pourois accepter toute la plantation de White Marsh, aux conditions que votre zèle et votre bonté pour moi vous portent a proposer. Dejà les Jesuites ont retiré de cette terre six negres de valeur ;[10] et je suis sure que, si

[7] *The procurator of the Mission, whose views, agreeing with Marechal's on Jesuit farming capacity* (*cf.* No. 110, G), *disagreed totally on the expropriation of Jesuit farms.*

[8] *Cf.* No. 133, A, *ad init.*

[9] *The eventual withdrawal of Jesuits from Maryland was not the General's proposal, but, as he stated to Cardinals Castiglioni and De Gregorio, it was a consequence of Marechal's proposal. Father Fortis signified his willingness to resign all the Society's rights of reversion to the property at present in the hands of the Corporation; but, of course, without means of subsistence, the Jesuits would not be left there to subsist on nothing. The same result would follow, if members of the Corporation being dismissed by the General from the Society, and retaining still, as they had a right to do, the legal title to the property, all the estates in question were lost to the Society and the Church.* (*General Archives S.J.*, Epist. R. P. N. Al. Fortis, I, pars 2, *the General's* Memoria Seconda, *19 June, 1824, to Cardinals Castiglioni and De Gregorio.*) *Cf.* No. 205.

[10] *This refers to the dissolution of the novitiate at White Marsh, the transportation of the whole institution to Florissant, Missouri, and the fulfilment of a formal*

j'acceptois ces conditions, ils scauroient parfaitement s'arranger de manierre qu'il[s] me la remettroient dans un tel etat, qu'elle deviendroit une source de ruine pour moi, au lieu de m'être d'aucun secours. Bientot je serois en prison pour cause de dettes.

White Marsh now would lodge Marechal in prison. Not worth anything.

Voila, mon très cher et excellent seigneur, ce que j'ai cru devoir vous repondre a la hâte. Vraisemblablement je vous paraitrai foible en cedant si tôt a mes adversaires. Je vous avoue que le courage commence a me manquer. Et comment pourois-je soutenir un combat, que mes adversaires par des chicanes sans fin peuvent prolonguer jusqu'a ma mort. Il faudroit écrire de petits volumes pour refuter toutes les pièces qu'ils inventeront et metteront continuellement sous les yeux de la Propagande ;[11] et je n'ai ni le tems ni la patience pour les écrire curable [*comblé?*], comme je le suis, de travail depuis le matin jusqu'avant dans la nuit, sans avoir personne pour m'aider. Dans la malheureuse position où je me trouve, j'aime mieux remettre entierrement ma cause entre les mains de la Propagande et d'acquiescer a ce qu'il lui plaira de décider pour la plus grande gloire de Dieu et le bien de l'eglise d'Amerique.

Lorsque je pense a toute l'amitié que vous me temoignez et au zele que vous manifestez dans ma defence, ou plutôt celle de l'eglise, je sens mon âme profondément émue. Je me dis alors avec le prophete: Quid retribuam domino meo? alas, rien!—et j'ajoute aussitot: Calicem salutarem accipiam et super eum nomen Domini invocabo. C'est en faisant ces prierres de reconnoissance, que je suis avec un profond respect,

Mon tres cher et excellent seigneur,

Votre très humble serviteur,

+ Amb., Arch. Balt.

P.S. Votre neveu a dû recevoir votre lettre, le lendemain qu'elle m'est arrivée.

Rome, English College Archives, as above, ff. 139, 140, 161–163; *a copy.*—*Propaganda Archives*, Scritture riferite nei Congressi, 1823–1826, America Settentrionale, vol. 8.

No. 132. **1824, December 21.**

Marechal to Cardinal Della Somaglia, Pro-Prefect of the Propaganda.

The Brief of Pius VII. before the American Government and the public. A pension from the Jesuits instead of White Marsh.

condition in the Concordat between Bishop Dubourg and the Maryland Superior, according to which some negroes were allotted by the Corporation for the use of the Florissant house and farm. See No. 196, *the Upper Louisiana Concordat, 4; 19 Mar., 1823. Cf.* No. 135, A, Prop. 13.

[11] *This refers to the communication of documents, which came from America after the issuing of the Brief. Cf.* No. 125, A, note 1.

Baltimori 21 decembris, 1824.

EMINENTISSIME CARDINALIS,

Per epistolam quam die 5ª novembris proxime elapsi transmisi ad Em^um^ Card. Fesch,[1] notum feci Sacrae Congregationi, Jesuitas [2] quosdam secreto adeuntes regimen nostrum ei exhibuisse Breve Pii VII., tanquam iniquam invasionem a Sancta Sede tentatam in supremam ac independentem reipublicae Americanae jurisdictionem; atque variis falsis et insidiosis argumentis excitavisse ministrum status D^m^ Adams ut regimini pontificio et R. P. Fortis minitantem epistolam scriberet. Ad eundem Em^um^ cardinalem simul transmisi ipsummet autographum D. Danielis Brent primi secretarii D. Adams, quo facinus, hucusque tenebris involutum, primo fuit mihi patefactum.

Marechal. The Jesuits and the American Government.

Huic facinori aliud paulo post addiderunt; videlicet copiam Brevis Pii VII., quam ad ipsos post meum huc ex Europa reditum miseram,[3] protestanti typographo Washingtonis imprimendam commiserunt, ut coecam multitudinem heterodoxorum excitarent contra Sanctae Sedis authoritatem, tanquam paci civium et quietae suorum bonorum temporalium possessioni nocivam ac formidabilem. Mitto inclusam partem diarii, in quo facta fuit impressio, die 4ª praesentis mensis, ac 22ª [!].

Publication of the Brief in a newspaper.

Universalis corripuit timor animos catholicorum statim atque haec tenebrarum opera in lucem prodierint. Stupefacti sunt enim cum viderint religiosos viros, qui sua vocatione tenentur defendere Sanctam Sedem, ejus sacram authoritatem calumniantes, tam apud nostrae reipublicae gubernatores, tam apud plebem Americanam.

Ut illas falsas impressiones a mente D. Adams removerem, una cum senatore quodam Marylandiensi, sua pietate ac praesertim sua nostrarum legum peritia valde celebri, scripsi ad primum eumdem secretarium D. Brent. Inclusam mitto ejus responsionem,[4] ex qua percipiet Sacra Congregatio, Jesuitas invitasse nostrum regimen ne pateretur Summum Pontificem etiam spiritualibus mediis uti ad cogendam ipsorum obedientiam.

D. Brent's second letter.

[1] No. 131.

[2] *Here* Jesuitas *appears. In* No. 131, 1, *it was* adversaires, *which might also mean laymen, like George Ironside, as seems to have been the actual case. See* No. 135, A, Prop. 17, note 41. *Compare the complaints here about publicity with* No. 115, § 29.

[3] *Cf. Kohlmann*, Osservazioni da fare al Papa, intorno alla lite col Archº di Baltimore: 8. . . . Sappia dunque la V.S., che il tenor del Breve di Pio VII., relativo a questo affare, essendo divulgato dal Archº appena tornato in Baltimore, il Governo n'ebbe vento. . . . (*General Archives S.J., Maryl. Epist.*, 6, iv. R, f. 1ᵛ). *Cf. also Dzierozynski*, (*Nov.*) *1824, to Marechal himself, implying that the news is all coming out from Baltimore* (No. 206): De externis non spondeo, qui, nescio quo fonte, resciunt omnia, quae Excellentissimus Roma recipit—eaque libere spargunt, additis sibi propriis reflexionibus, quae utique valde nocivae esse possunt. (*Md.-N. Y. Province Archives, Dzierozynski, draft s.d. of letter to Marechal, as above*, No. 94, C; *answering Marechal's, Baltimore, 13 Nov., 1824, as infra*, No. 206.)

[4] *Cf.* Nos. 135, A, Prop. 17, note 41; 206, 207, *the Marechal-Brent correspondence. Brent says nothing about the Jesuits themselves having had relations with the American Government. He speaks of* gentlemen of the clergy.

Haec sunt media, Eminentissime Cardinalis, quibus adversarii mei utuntur ad evacuandam Pii VII. ac Leonis XII. sententiam.[5]

Quinam sint Jesuitae qui horum facinorum reos se reddiderunt, nescio. Forsitan sunt quatuor aut quinque, caeteris omnibus aut penitus insciis aut (in Domino confido) tacentibus sine ulla ex eorum parte cooperatione.

In his difficillimis constitutus circumstantiis saepe mecum cogitavi coram Domino quid prudentius sit agendum.

Porro mihi videtur periculosum religionis bono nunc urgere executionem Brevis Pii VII. Tanta est namque audax contumacia quorumdam Jesuitarum (si tamen hoc nomine designari queant) ut valde probabile sit, quod tumultuarentur et scandala similia aut graviora supra enumeratis excitarent; aeque enim contemnunt et authoritatem Sanctae Sedis et sui superioris generalis.

Marechal resigns the Brief. Will accept $1000 a year with extras.

Igitur posset Sacra Congregatio remittere executionem Brevis Pii VII. ad indefinitum tempus ac simpliciter exigere a R.P. Fortis ut, sub

[5] *On the 14 Aug., 1824, the Secretary of the Propaganda, Caprano, reported to Father Fortis, General of the Society, a new decree of the Sacred Congregation (26 July, 1824), based on the result of a consultation between a committee (Cardinals Castiglione and De Gregorio) and the General, relative to the non-execution of the Brief by the Maryland Jesuits. Cf.* No. 133, A, note 4. *The new decree contained three points:* 1. *as to an offer, made in the name of the Maryland Jesuits, and communicated to them by the General, 1 July, 1824, that, instead of surrendering White Marsh, they should pay Marechal $1000 a year, such an arrangement was not to be considered except as "provisional;"* 2. *the Brief remained in force;* 3. *a term of six months was fixed, within which the said Maryland Jesuits "must expound the reasons, why they believe the surrender of White Marsh pernicious to them." Cf.* No. 205. *This third provision of the new decree cancelled two conditions of the Brief:* 1. *that of Marechal's immediate right of entry into White Marsh;* 2. *that of no appeal being admissible until such entry had been effectuated. Cf.* No. 125, A, note 1. *The second provision was a formality, saving appearances when a past act was being indirectly rescinded. The first provision, as to the qualification of the pension, proved nugatory, since the pension was never paid by the Maryland Jesuits. After acting on the General's suggestion and making the offer in their own name, the Americans withdrew, and neither paid, nor said anything about it. See* No. 133, A, note 4.

The new decree, being in the usual routine of business submitted to Pope Leo XII. by the Secretary of the Propaganda (8 Aug., 1824), was sanctioned in due course; and this is what Marechal calls here Leonis XII. sententiam. *In the next,* No. 133, A, *he calls it a "confirmation" of the Brief of Pius VII. by Leo XII., and says that it was the occasion of the appeal made by his adversaries to the American Government. See* No. 133, A, p. 527. *Henceforth the Brief passed out of sight, except in the papers of Fesch, Marechal, and Gradwell. On the 27 Aug., 1825, the General, while urging a settlement with the archbishop, informs Dzierozynski, the Maryland Superior, that the mind of the Cardinals has undergone a change:* Adnoto vero 2do. me, spectando mitissimum erga res vestras animum Eminentiss. coepisse sperare fore, ut sine magna difficultate possit negotium inter vos et Archiepp^um denique posse componi. *This statement, which was borne out by subsequent events, explains the despondent tone of Marechal in his later documents. Cf.* Nos. 133, A, *ad fin.*; 135, A, Propositions 22 *ad fin.*, 23 *ad fin.*; 137.

(*General Archives S.J., Maryl. Epist.*, 6, iii., *Caprano, 14 Aug., 1824, to Fortis; original. Ibid., same to same, 4 Aug., 1825; original. Ibid.*, Epist. R. P. Fortis, III., pars 1, No. 571, *the General, 27 Aug., 1825, to Dzierozynski.—Georgetown College MSS. and Transcripts, Marechal Controversy; 1824, Aug. 14, the General's copy of Caprano's communication to him under that date. Ibid., 1825, Aug. 27, the General to Dzierozynski, as above, with an appendix of a* Translation from the Italian Memorial presented to the Sacred Cong^n de Propaganda, in the first days of August, 1825 (*16 Aug., 1825*). *For these matters, see* Section VII., Nos. 205 *seqq.*

virtute obedientiae, Jesuitae Marylandienses, qui bonorum ecclesiasticorum sunt administratores, mihi meisque successoribus solvendi annuam pensionem 1000 piastrarum obligationem suscipiant, addendo huic summae quod aequum judicaverit Sacra Congregatio, ratione damnorum quae a septem annis passus sum.[6]

Dixi obligationem suscipiant; per contractum civilem intelligo. Etenim obligationem mere religiosam et moralem continuis evasionibus flocci facerent.

Tres Jesuitae, religiosis virtutibus omnino destituti, quique habentur tanquam authores impietatum supra enumeratarum, Europam mox profecturi sunt.[7] Pater F. Neale, dux rebellium decreto S. Pontificis, mortali morbo corripitur, nec potest diu vivere.

Marechal's chief Jesuit foes. Hopes in a younger generation S.J.

His patribus semel remotis, bonum religionis et Societatis exigit ut quinque Americani juniores Jesuitae, qui sex abhinc annis Romae remanserunt, immediate a R. P. Fortis in Marylandiam remittantur. Id vel ipsa exigit aequitas, cum ad meam dioecesim pertineant.[8] Neque haec missio amplius differri nequit praetextu expensarum. Si quidem unus ex ipsis, P. Respus [*Vespre*], olim meus discipulus cum ex Baltimori Romam proficisceretur, reliquit in Banca Neoeboracensi 10,000 et amplius piastras. Hac mutatione facta religiosorum S.J., spes effulgebit ut pietas et zelus juniorum compensabunt et reparabunt scandala seniorum.[(a)]

Rev. D. Gorman, quem sibi coadjutorem a Sancta Sede postulaverat DD. Conolly episcopus Neoeboracensis nuperrime mortuus est. Optimus praesul evadit singulis diebus et mente et corpore infirmior.

Rumor vagatur Ill^mum^ DD. England episcopum Caro[*lo*]poleos condidisse constitutionem democraticam, juxta quam intendit ecclesias suae dioeceseos regere; atque eam misisse ad Sacram Congregationem ut ab ipsa approbetur.[9] Quibusnam principiis nitatur nescio. Attamen non possum satis orare sanctissimos ac eminentissimos patres ut hanc constitutionem democraticam [*non ?*] approbent, nisi lente admodum et post valde maturum examen. Exhibetur namque quasi multum opposita bono ac prosperitati ecclesiae.

Bishop England's plan of church tenure.

(a) *What follows is omitted in the printed* Sommario.

[6] *Cf.* No. 94, D, P.S. *This claim for arrears had been made in 1822, before the Brief was issued* (No. 121, A, *ad fin.*, p. 468). *It continued to be reiterated as late as 17 Oct., 1826* (No. 137). *Near the date of this present letter* (*21 Dec., 1824*), *Marechal wrote* (*24 Nov., 1824*) *to Dzierozynski, in the terms cited above* (No. 94, D, P.S.): "*The judgment of the Holy See embraces not only the annual revenue to which I have a right, but also an indemnification for the injustice which I have suffered, since my nomination to the archbishopric of Baltimore.*"

[7] *Cf.* No. 135, A, Prop. 18.—*Francis Neale outlived Marechal nearly ten years.*

[8] *Cf.* No. 120, 1ª, 2ª. *Whether as Irish* (*Ryder*), *or as French* (*Vespre*), *or as Virginian* (*McSherry ?*), *or as regulars* (*all five being S.J.*), *it does not appear how they* "*belonged*" *to the Baltimore* "*diocese.*"

[9] *Cf.* No. 130, C, V.; *decree of the Provincial Synod of Baltimore, 1829, implicitly approving of Bishop England's methods.*

Ut Eminentiam tuam Deus summe misericors uberrimis suis benedictionibus ditare dignetur, orare non cessat,

Humillimus ac dev^mus servus tuus,

+ Amb., Arch. Balt.

Em^o ac Ill^mo DD. Cardinali Della Somaglia,
P.P. Congregationis P.F.

Rome, English College Archives, as above, ff. 158, 159 : *a copy.—Propaganda Archives*, Acta, 1826, (Baltimori), Sommario, Num. IV.

Passing on through the mass of Marechal documents to the last phase of the controversy, we give the essential elements, as exhibited in the following selection.

No. 133. **1825, July 14 ; 1826–1828.**

Marechal to (Cardinal Fesch). *The pension to be obtained, not from the Maryland Jesuits, but from the General in Rome.*

Marechal to Pope Leo XII. *Condensed rehearsal of foregoing letters.*

Marechal's claim for his successors. *Its origin.*

A.

Baltimore, 14 juillet, 1825.

Monseigneur,

Je viens de recevoir une lettre de M^r l'abbé Gradwell datté de Rome le 2 du may dernier. Elle renferme deux objets : 1° la nomination a différens évêchés des Etats Unis, et 2° mon différent avec les Jesuites.

Quant aux évêchés vacans ou a eriger, voici la liste des personnes que je regarde, après de mures et tres serieuses réflections, les plus propres a occuper ces postes eminents.

Evêchés.	*Candidats.*	
Boston	M^r G. Taylor.	J'ai envoyé cette liste a la Propagande le 13 du mois dernier.
New-York	Ben. Fenwick.	
Détroit	Gabr. Richard.	
aux Florides	M^r Portier.	

Marechal. Fenwick, Gillow, Dubois, for Bishop of New York.

Je me permetterai seulement ici une reflexion : c'est qu'il seroit infiniment plus avantageux a la prosperité de la religion dans New-York, que M^r Thomas Gillow qui avoit été nommé, il y a quelques années, vicaire apostolique de la Trinité [*Trinidad*], fut fait évêque de New-York. Pour reussir parfaitement, il suffiroit qu'il se fit accompagner par un prêtre Irlandais pieux et qui eut le talent de parler en chaire avec quelque facilité. Et, supposé que la Propagande ne puisse obtenir M^r Th. Gillow et qu'elle

ne veuille point nommer le père Ben. Fenwick, je ne vois que Mr John Dubois supérieur de mon petit seminaire d'Emmitsburg, qui convienne pour le siège de New-York. Mais sa nomination sera une perte très grande pour moi et mon diocèse.

Procedure of the Jesuits and of Marechal with the American Government.

Dans une lettre que j'ai eu l'honneur d'écrire a votre grandeur le 5 Nov., 1824, je lui ai fait part des démarches criminelles de mes adversaires auprès du gouvernement Americain, aussitôt qu'ils apprirent que Leon XII. avoit confermé le Bref de Pie VII. Je donnai la même nouvelle a la Propagande le 22 decembre suivant, et je lui envoyai en même tems une portion de la Gazette dans la quelle ils avoient fait imprimer le Bref de Pie VII. en anglais et en latin, afin d'exciter les citoyens des Etats Unis contre l'authorité et la jurisdiction du St. Siège. Ces moyens terribles de resistance repandirent beaucoup d'alarmes dans nos catholiques, et j'y participai. Mais je recommandai alors mon eglise a Dieu et a la Ste Vierge, patrone de ma métropole. J'ecrivis au secretaire de Mr Adams et j'accompagnois ma lettre d'une memoire parfaitement fait par un celebre avocat catholique. Cela suffit pour tranquiliser entierement le gouvernement Americain et détruire toutes impressions fâcheuses faites par mes adversaires; et quant aux gazettes, au lieu de produire l'effet qu'ils en attendoient, elles ont produit un effet tout contraire. Trois Jésuites, auteurs connus de ces affreuses mésures, decamperent en consequence.[1] Le P. Marshal, qui a enlevé trois mille piastres appartenant a la pauvre mission d'Harford,[2] s'est embarqué sur un vaisseau de l'etat. Le P. Baxter s'est enfui en Angleterre; et le P. Nevins s'est refugié a New-York ou il écrit des articles scandaleux contre ses confrères et la religion.[3]

Deer Creek.

[1] *The matters of fact relating to these "three Jesuits" belong to a later part of the History. The correspondence of Marechal with Brent is given infra*, Nos. 206, 207.

[2] Nos. 87–89.

[3] *Cf. Rome, English College Archives, as above*, f. 143; *also Propaganda Archives*, Scritture riferite nei Congressi, America Settentrionale, 8: *Marechal, Baltimore, 6 Nov., 1824, to Dr. Gradwell, Rome:* Des lettres de Washington annoncent que le P. Marshall va s'embarquer sur un vaisseau de l'etat qui se rend dans la Mediterranée, nommé The North Carolina, et qu'il est le porteur de la fameuse lettre en question [*the remonstrance of the American Government?*].—*English College Archives, ibid.*, f. 169; *Marechal, 14 June, 1825, to Gradwell:* Le P. Marshall est a bord de l'Ohio actuellement croi[*sant*] dans la Méditerranée—Le Pere Nevins [*Levins*] au lieu de retourner en Angleterre est resté a New-York, ou il fourni[*t*] une Gazette d'articles scandaleux.—Toutes les intrigues de ces peres ont été dejouées, aussitot qu'elles ont été connues. *Father Thomas Levins was no longer a Jesuit at this date. The formula of dismissal, signed by Aloysius Fortis, Praepositus Generalis Soc. Jesu, was dated 9 Oct., 1824.* (*Md.-N. Y. Province Archives, under date; a copy in the hand of the Superior, Father Dzierozynski.*) *The meaning of* la fameuse lettre *is explained by a letter of Father Beschter, Baltimore, 5 Nov., 1824, to Dzierozynski:* Our cathedral gentlemen have been very much allarmed at the news that Fr. Marshal was going to Rome with a letter of the Secretary of Government. The Abp. wrote to your Reverence about it, and received a negative answer; but this does not tranquilise their inquietudes, and I leave them to themselves. (*Md.-N. Y. Province Archives, under date.*)

Marechal will accept $1000 a year with extras.

Au fort de l'orage qu'avoient excité ces malheureux Jésuites, je vous écrivis et à la Propagande que je ne renoncois a White Marsh, que je desirois que l'on remit l'execution du Bref de Pie VII. a un autre tems, et que quant a moi je me contenterai d'une pension viagère de 1000 piastres, bien assurée par un contrat; outre le dedomagement que le S^t. Siege pouroit determiner a raison de l'injustice que j'ai souffert depuis sept ans.[4]

The $1000 offered by the General not to be a favour, but a debt.

M^r. l'abbé Gradwell me marque que le P. Fortis cherche a obtenir de la Propagande un acte approuvant qu'il me paye 1000 piastres par an, mais seulement comme une faveur et non comme un acte de justice; et que par consequent il lui seroit libre de me payer ou non. Je ne puis nullement acceder a un arrangement si evidemment futile et absurde; 1°. parceque dans ce cas je dependerois entierement de la bonne volonté et de l'humeur de ces religieux; 2°. parceque ce seroit, non différer l'execution du Bref de Pie VII. a un tems plus favorable, mais a en aneantir toute l'autorité et la justice. Le P. Fortis a plusieurs fois temoigné qu'il avoit ordonné à ses sujets de se soumettre au Bref. Ici plusieurs regardent tous ses ordres comme un jeu convenu entre lui et ses sujets. Et les menées auprès de la Propagande me porteroient a le croire.

[4] *Cf.* No. 94, C, D, *Dzierozynski, Nov., 1824, to Marechal, tendering the offer of $1000 a year. A letter, dated 7 Oct., 1824, was then on its way from the same Superior to the General, proposing the same plan for stopping the controversy* (*General Archives, Maryl. Epist.*, 6, iii.). *The proposal is made in the form drafted by Father Benedict Fenwick, in an unsigned and undated paper, addressed to* Rev. Mr. Dzierozinski, Geo.-Town College, Dist. Col^a., *which closes thus:* I humbly and earnestly crave your Paternity (if the Archbishop of Balt^e must derive his entire support from us), to obtain for us from the Holy See the privilege of paying him annually a thousand Dollars, instead of its alienating from us a property which, being the only healthy spot we enjoy in the country, is the life of the Society in these parts. ¶ N.B. I would suggest to F. Superior not to write by any means to the Archbishop on the subject of the late letter from the General [*1 July, 1824*], till an answer be obtained from Rome to the above. (*Georgetown College Archives, Marechal Controversy, under date.*) *This offer was subsequently withdrawn by the Jesuits of Maryland, as being still beyond their means; and a* Memorial presented to the Sacred Congregation, in the first days of August, 1825, *stating their inability to do so much.* (*Ibid., a* Duplicatum *from Rome, of the General's letter, 27 Aug., 1825, with an English translation of the Italian Memorial, containing data afforded by Kohlmann and Vespre.*)

The General's letter of 1 July, 1824, on which the offer of the Maryland Jesuits was based, had been read at a meeting of the Sacred Congregation, 26 July, 1824, and the adoption of this plan, with the approval of His Holiness, was signified to the General by the Secretary of the Propaganda, 14 Aug., 1824, with the statement that the Brief was held to be in full force, in spite of such a "provisional" accommodation; but that the Jesuits of Maryland might, within the term of six months, present their plea against the White Marsh assignment ordered by the Brief. This was practically a permission to reopen the case. (*Propaganda Archives, Lettere*, vol. 305, 1824, 540 b., *letter of Mgr. P. Caprano, 14 Aug., 1824, to Fortis.—General Archives S.J., Maryl. Epist., 6, iii.; original.—Georgetown College Archives, as above, official copy, in hand of the General's amanuensis. Cf.* No. 132, note 5.) *The broaching of this project, with the subsequent failure of the Maryland Jesuits to carry it out and furnish a $1000 annual subsidy to Marechal, left the door open for Card. Fesch to urge a substitution of the General and the Italian Jesuits, instead of the Jesuits in Maryland, as will be seen in seqq.—Marechal's next paragraph here defines the burial of the Brief. His acceptance then of the offer finished that episode. See* Nos. 133, C; 136–138.

Je vous avoue, monseigneur, que lorsque je reflechis que cet affaire si importante pour mon siège, après tant de preuves de son entiere justice et malgré le zèle et l'activité que vous avez manifestés avec tant de courage et d'habilité, n'est point encore terminée d'une maniere absolue et incontestable, je commence a perdre toute esperance de reussir. Je sens la verité de ce que me dit le Card. Fontana: Ce n'est pas une petite affaire d'avoir cinquante Jesuites sur le dos. Si lorsque j'etois a Rome ils ont eu recours a tant de moyens deshonorants, que ne doivent-ils pas faire durant mon absence auprès des cardinaux membres de la Propagande, de leurs auditeurs, etc., etc., etc., pour egarer leurs jugemens? Mais j'ai un moyen de me mettre a couvert pour toujours de leurs poursuites. C'est de donner la demission de mon siège. Je l'aurois dejà fait si je ne consultois que mon bonheur personnel. Mais je prevois toutes les consequences facheuses qu'auroit une semblable demarche pour la religion. Cependant, si par des retards interminables je ne suis point soutenu par la Propagande dans les droits tant temporels que spirituels de mon siège, il faudra enfin en venir a cette mesure. J'ecris a ce sujet une lettre a S. S. que M^r l'abbé Gradwell vous comuniquera.

Persecution. Threat of resigning his see. Writes direct to the Pope.

Je me recommande de nouveau a toutes vos bontés et a votre protection, ainsi que mon église, en vous assurant que je suis avec une reconnoissance et un respect toujours croissant,

Monseigneur,

Votre très humble serviteur

+ Amb. Arch. Balt.

Rome, English College Archives, as above, ff. 170–172; *a copy.—Propaganda Archives*, Scritture riferite nei Congressi, 1823–1826, America Settentrionale, vol. 8.

B. 1825, July 14.

Under the same date as this letter, Baltimore, 14 July, 1825, in which Marechal states to Card. Fesch that he is writing direct to the Pope, his petition is addressed to Leo XII. It was withheld, however, in Rome, as Fesch mentions in the letter following next (No. 134). *Still, it was entered by his Eminence in the Brief or* Sommario *of the year following: Propaganda Archives*, Acta, 1826 (Baltimori), Sommario, Num. V.: Lettera dell'Arcivescovo di Baltimora in forma di supplica a Sua Santità, con cui implora il suo soccorso nella controversia suddetta, 14 luglio, 1825. *Cf. also the English College Archives, as above*, ff. 180, 181, $2\frac{1}{2}$ *pp.*

The matter and even the phrases are identical with passages given in the Numbers above, viz.:

The contention of Charles Neale, that the Brief of Pius VII. could not affect temporalities in America; and that the cause had not been properly examined in Rome. Charles Neale's words. (Neale died in 1823.) Reopening of the case in Rome. On hearing that Leo XII. had approved of the

former decision, Marechal's adversaries endeavoured to obtain the intervention of the American Government against the execution of the Brief; and besides caused the same document to be published in America. The three Jesuits, chief agitators in the affair, had to fly. Marechal considers that, for the sake of peace, he may licitly make a personal sacrifice, and accept of a pension, $1000 a year during his life, under rigorous conditions of contract, until in the future the Brief with the claim to White Marsh can be put in execution. Now he hears from Rome that his cause is in danger, and he knows not when it will have a successful issue. Prostrate before His Holiness, he implores the Pope's humanity, justice, vigour, and wisdom, for the protection of the See of Baltimore. Otherwise he shall be forced to resign, since the administration of his metropolitan church will become absolutely impossible.

The style is also in conformity with that of the documents already given: Tuae Sanctitati notum est superiorem Jesuitarum Marylandiensium absolute rejecisse auctoritatem brevis Pii VII., quo jura meae sedis vindicabantur. . . . Statim atque adversarii mei audierint Tuam Sanctitatem judicium tui ven. mem. praedecessoris approbasse, violentiam tuae sacrae auctoritati opponere decreverunt: videlicet secreto adeuntes regimen Americanum ei exhibuerunt breve Pii VII. tanquam nostrae reipublicae jurisdictionis ac supremae independentiae audacem ac injustam usurpationem. Insuper illud idem breve Anglice translatum ludibrio infimae plebis, mediantibus diariis, objicere conati sunt. . . . Gravissimis circumdatus difficultatibus quae, ex impia meorum adversariorum resistentia supremo Sanctae Sedis judicio, abunde nascuntur, mecum cogitavi, remanentibus intactis meae ecclesiae juribus, me posse licite personale sacrificium perficere, pro bono pacis. . . . Satis mihi fieri si, durante mea vita, mihi solvendi annuam pensionem 1000 piastrarum obligationem suscipiant, per contractum civilem. Nam mere moralem ac religiosam certissime flocci facerent. . . . Nuperrime accepi epistolas Romae datas quibus certior factus sum grave hoc meum negotium suspensum adhuc remanere, neque praevideri posse, ratione tricarum quae mala fingit foecunditas adversariorum, quando ipsi sit finis impositurus [*imponendus*]. . . . Si non cito remedium efficax opponatur audaci ac injustae meorum adversariorum agendi rationi, mihi necessitas erit, ante breve tempus, dimittere meam sedem; cito etenim, administratio meae metropolitanae ecclesiae absolute impossibilis erit. . . .

Signed: Humillimus ac devotissimus servus,

+ Amb. arch. Balt.

Propaganda Archives, Acta, 1826, *f.* 257.—*English College Archives, as above, f.* 180.

C. 1826–1828.

Marechal's claim for his successors.

It is to be observed in the text of A (*14 July, 1825*), *that Marechal says he will be content with a pension during his life, always adding a claim*

Dalla Propaganda
24. Decembre 1826

Essendo stata comunicata a Monsig.re
Ambrogio Marechal Arcive-
scovo di Baltimore nei termi-
ni istessi espressi nel pregiatis-
simo foglio di Vra Sta Rma
del 22. Giugno 1826. la deter-
minazione presa da Vra Sta
medesima, e sanzionata da Sua
Santità di pagargli in ogni anno
Scudi Ottocento da esigersi a
rate di trimestre in trimestre,
l'Arcivescovo suddetto con sua
Lettera del 17. Ottobre decorso
ha risposto che provisoriamente
accetta questo assegnamento, e
che deputa a farne in suo no-
me la riscossione il Sig.re D. Ro-
berto Gradwell Rettore del Col
legio Inglese, e suo Procurato-
re in Roma.

Rmo P.re Luigi Fortis
Preposito Generale
della Compagnia di Gesù

Essendo già stata riferita alla
Santità di Nostro Signore la
risposta dell'Arcivescovo, si fa

The Secretary of the Propaganda, Archbishop Pietro Caprano, 24 December, 1826, to the General of the Society, Father Luigi Fortis. General Archives S.J., *Maryl. Epist.*, 6, iv. Original. ($\frac{2}{3}$ *scale of the original.*)

[*To face p.* 531.

for arrears: une pension viagère (No. 133, A, p. 528). *So too in his letter to the Pope of the same date:* satis mihi fieri si, durante mea vita, mihi solvendi annuam pensionem 1000 piastrarum obligationem suscipiant (No. 133, B); *but he makes no mention of arrears. Again to Card. Fesch, fifteen months later (27 Oct., 1826), he writes in French, and says that his demand had been for an annual pension, with arrears:* une pension annuelle (No. 137). *Father Fortis, the General, made him the grant of 800 crowns annually, during Marechal's natural life; as the General's written document puts it:* sua naturali vita durante (*27 June, 1826*); *and, as Marechal expresses it, in his own letter to Fesch:* ma vie durant (No. 137). *The General's offer, in his own terms, was sanctioned by the Propaganda and the Pope (2 July, 1 Aug.); the mind of both the Sacred Congregation and His Holiness was communicated (5 Aug., 1826) to Marechal by Card. Della Somaglia (cf. Marechal,* No. 136); *the Secretary of the Propaganda informed the General (24 Dec., 1826) that Marechal had been advised of his Paternity's grant, in the express terms of the General's document:* nei termini espressi nel pregiatissimo foglio di V^ra^ P^tà^ R^ma^ del 27 giugno, 1826; *that Marechal had accepted provisionally in his letter of 17 Oct., 1826, and had appointed Gradwell his proxy for the receipt* (No. 136): l'arcivescovo suddetto con sua lettera del 17 ottobre decorso ha risposto, che provisoriamente accetta questo assegnamento, e che deputa per farne in suo nome la riscossione il Signore D. Roberto Gradwell, Rettore, *etc.; a copy of the General's document containing the grant was deposited in Marechal's diocesan archives; and the receipt of Gradwell, in Marechal's name, was given in the terms of the same Fortis document, which defined and finished the transaction. So far Dr. Marechal, some of whose papers give evidence that, in the use of property left him by his predecessors, he did not include, but he excluded successors, distinguishing such goods, apparently "mensal," from other trust property, such as churches and churchyards, which alone he called "ecclesiastical"* (No. 184; *cf.* No. 197, *on the Maryland idea of "ecclesiastical"*). *For the foregoing series of authentic documents, see* No. 212. *For Gradwell's communication of the chief papers to Marechal, 27 Feb., 1827, see* No. 213. (*Baltimore Diocesan Archives, 17 F.*)

In the same letter of Marechal's (17 Oct., 1826), received in Rome as an acceptance, and reported to the General as such, Marechal introduces the word "successors," with their rights intact; though he repeats the exact words of the Fortis grant: durante mea naturali vita. *He says:* tuto ac integro remanente meo meorumque successorum jure (No. 136). *No notice was taken of this gloss in the formal letter of the Secretary to the General, announcing Marechal's acceptance. In the same letter, Marechal affirms that he had never consented to the acceptance of a pension, except on condition of its being for his successors also:* consensi, sed his subsequentibus conditionibus, videlicet: 1º ut, loco hujus praedii, 1000 scutata Romana mihi meisque successoribus annuatim in perpetuum solverentur (No. 136). *This does not agree with Marechal's own texts; and, in particular, with his*

French text of the very same day to Card. Fesch, although, in the same letter, mention has been made of mes successeurs, *in connection with his right to White Marsh* (No. 137, *first paragraph*). *But, as about this time we find indications that the Rev. James Whitfield was drawing up papers, which Marechal wrote out as his own* (*cf.* No. 135, P, note 49 : *letter to Mudd, 28 Feb., 1827*), *it is not improbable that the gloss introduced here, in favour of successors, came from another hand. In this very year* (*1 Oct., 1827*) *the name of Whitfield was sent by Marechal to Rome as that of his most eligible successor* (No. 213).

The whole of the correspondence between Marechal and his agent Gradwell, during the same year, 1827, turns chiefly upon this gloss, and its being considered to enter retrospectively into the settlement (No. 213). *Marechal, dying in the following year* (*29 Jan., 1828*), *left on record the same gloss as an essential of the settlement, writing out a testamentary memorandum to guide his successors* (No. 140, B). *The same became the whole subject of the new claims advanced after Marechal's death, as will be seen in seqq.* (Nos. 214–217).—*The term,* provisoirement, *appears in the next* No. 134.

No. 134. **1825, August 27.**

J. Cardinal Fesch, Rome, to Marechal, Baltimore. *Directions on the manner of continuing the campaign for life.*

MON CHER SEIGNEUR,

Je vous écrivis, il y a environ dix jours. L'abbé Gradwelle vient de me remettre la vôtre du 14 juillet. Je lui ai conseillé de ne pas remettre l'autre pour le personnage, dès que la Propagande a décidé de vous envoyer un secours de 1000 piastres, et qu'elle attend de nous une réponse à la note remise par les pères Jésuites, en représentant de ne pas pouvoir vous payer les 1000 piastres provisoires : 1º parce qu'ils ont contracté une dette de 35,000 piastres ; 2º parce que si le gouvernement venoit à connoître tel payement, il s'empareroit de leurs biens et les chasseroit de leur maison, pour avoir obéi à un gouvernement étranger, qui n'a rien à voir sur les biens de ces habitans.

Fesch. The case of the Jesuits as now presented by them.

Il faudroit que vous pussiez produire quelqu'attestation, par laquelle le gouvernement reconnoîtroit, qu'il ne se mêle pas de cette affaire, et, s'il est possible, qu'il reconnoît que les Jésuites doivent donner au premier pasteur de leur société catholique une partie des biens qu'ils possèdent au nom de cette Corporation.

The kind of rebuttal due from Marechal. Never to yield during life.

Lorsque vous aurez fait la réponse à la note des dits pères avec des raisons triomphantes, vous pourrez écrire au personnage efficacement ;[1] mais

[1] *Here Fesch intimates that an application to the Pope at present is useless, since the whole basis of the case has been shaken.*

ne jamais abandonner durant toute votre vie, mais seulement provisoirement, la totalité de ce que vous accorde le bref de Pie VII.

Je vous répéterai que vos adversaires sont très protégés ici, et qu'il faut attendre tout du temps;[2] néanmoins vous devez faire toutes les démarches que votre devoir exige.

Agréez l'assurance de mon inviolable attachement, avec lequel je suis,

Votre très dévoué et très aff. serv.,
J. Card. FESCH.

Rome, 27 Août 1825.

Addressed: A Monseigneur Ambroise Maréchal, Evêque de Baltimore.

Rome, English College Archives, as above, f. 176; *a copy by Gradwell. Accents here supplied.—Propaganda Archives*, Scritture riferite nei Congressi, 1823–1826, America Settentrionale, vol. 8.

No. 135. 1826, January 15; 1818–1827.

Marechal's Memorial sent to Cardinal Della Somaglia, Pro-Prefect of the Propaganda. *The "triumphant reasons" called for in the preceding letter* (No. 134); *consisting of twenty-three Propositions against the Maryland Jesuits; with index and marginal analysis by Marechal.*

Marechal's policy. *Correspondence and documents.*

A. 1826, January 15.

Eminentissimo Card[l] Somalia.

Amb. Arch. Balt.

Index Propositionum.

1. Jesuitae gratuito asserunt se debere 35,000 scuta.
2. Exaggerata nimis eorum computatio.
3. Infidelis probatur.
4. Coeca ambitione abrepti haec debita contraxerunt.
5. Valedicant suis speculationibus, et sua debita facile solvent.
6. Jesuitae, etiam si vere deberent 35,000 scuta, sunt ditissimi.

Marechal. Rebuttal of the Jesuits' plea.

[2] *This was literally true. In four years, there were a new Secretary and a new Prefect of the Propaganda, Castracane and Card. Capellari (afterwards Gregory XVI.); there was a Vicar-General, Pavani, and then a new General of the Society, Roothaan; there was a new agent, Nicholas Wiseman, acting for Baltimore in Rome. In eight years, a new succession of Maryland Provincials began, McSherry and Mulledy, who had been young men of no official status in Italy, when the present controversy was agitated; and to Mgr. Whitfield a successor was already designated, in the person of Mgr. Eccleston, who at the present date was twenty-five years of age, and was ordained a priest by Marechal in this very year, 1825. How then, with the benefit of "time," as Fesch says here, the facts of the past fared in the hands of men, no single one of whom had been a party to the original controversy, will appear in* Section VII., Nos. 214–217.

7. Authentica enumeratio praediorum quae possident.
8. Probabilis eorum valor.
9. Enumeratio partialis bonorum eorum mobilium.
10. Maximae Jesuitarum divitiae.—Archi Baltis paupertas.
11. Ipso tempore quo sub praetextu paupertatis jura denegant archi Baltis, praedium transmittere consenserunt episcopo Bostoniensi.
12. Scholastici Romam non missi sunt causa paupertatis.
13. Nec domus probationis dissoluta fuit hac sola causa.
14. Falsum omnino est White Marsh tertiam partem praediorum quae possident constituere.
15. Omnes Jesuitarum missiones integrae remanerent, etiam si archo Balti praedium White Marsh transmitterent.
16. Illmus Adams ne ullum verbum archo Balti aliquando scripsit;—a fortiori nunquam eum monuit aut reprehendit.
17. Jesuitae quidam eum secreto adeuntes contra breve Pii VII. eum excitare tentarunt.
18. Lubibrio coecae plebis idem breve exhibuere.
19. Nemo unquam in America brevi Pii VII. se opposuit.
20. Hoc facinore quidam Jesuitae reos se constituerunt.
21. Valide aeque et secure possunt brevi Pii VII. obedire.
22. Praeclarum de hac veritate testimonium.
23. Practicae conclusiones, mediaque terminandi controversiam.

Eminentissime Cardinalis,

The Propaganda's alms to Marechal.

Eminentiae Tuae recepi epistolam datam Romae die 27a augusti,[1] qua mihi notum facit Sacram Congregationem benigne mihi concessisse 1000 scutatorum subsidium. Novum hoc suae in me humanitatis ac munificae pietatis testimonium abunde meretur et in corde meo excitat sinceram gratitudinem. Haec pecuniae summa ad solvenda quaedam debita a me contracta inserviet.

Jesuits' objections to subsidizing him.

Fere eodem tempore ad me perlata est altera epistola Emae Tuae, scripta Romae die tertia septembris.[2] Eam non potui legere sine gravissimo doloris sensu, videns controversiam meam cum patribus Jesuitis, quam jamdiu finitam existimabam, recrudescere. Novas objectiones, quas ad illudendum Eminentissimis Patribus finxerunt, mihi necessitas est solvere.

Ad duo capita reducuntur. Nempe contendunt mei adversarii: 1o Se nimis pauperes esse ut mihi transmittant praedium White Marsh, vel etiam mihi solvant annuam pensionem 1000 scutatorum; 2. executioni brevis Pii VII. repugnare tum leges Americanas tum ipsummet regimen.

[1] *Cf. Georgetown College Transcripts, Shea's abstracts, 1825-1830.*
[2] *Cf. Ibid.*

Praetensa paupertas.

1º Assertio debitorum gratuita. [*Allegation of debts, gratuitous.*]

Si adversarii candide Sacrae Congregationi exhibuissent accuratam enumerationem tum personarum qui sunt eorum creditores, tum summae pecuniae quam unicuique debent, atque S. Congregatio ad me transmisisset hanc enumerationem, possem utique judicare utrum vere tanto aere alieno premantur quantum praedicant. Sed, tenebris studiose se involventes, generatim tantum clamitant se debere 35,000 scutata.

Jesuits' pretended poverty. Fifteen Propositions.

Haec gratuita assertio nullum vere pondus habet, neque admitti potest quamdiu argumentis, quae vim probantem habeant, destituta remanebit.[3] Verum, quamvis nullo modo sperare possim ut aliquando obtineam inspectionem librorum, in quibus ratio rerum temporalium a procuratore Societatis exscribitur, attamen, favente divina providentia, sufficientes collegi probationes ut confidenter asserere possim summam debitorum Sacrae Congregationi exhibitam esse infidelem.

Marechal has no Jesuit accounts.

[3] *This preliminary Proposition is not strictly in keeping with those that follow, Propositions 2–15. If by their "wrapping themselves in darkness,"* tenebris studiose se involventes, *is meant that the writer's adversaries do not lay open their ledgers before him, and never will,* quamvis nullo modo sperare possim ut aliquando obtineam inspectionem librorum, *etc., and that then only could their arguments "have demonstrative force,"* quae vim probantem habeant, *when such books were shown, the subsequent fourteen Propositions of the writer have no locus standi; for, being on the matter of finance, they do not cite these or any other account books, which would give the Propositions "a demonstrative force."*

The case of authenticity, as to the statement made but challenged here, is covered by what Father Anthony Kohlmann says, speaking in particular of Proposition 9, 4º *and* 5º: Id quod, si necesse sit, probabitur singillatim (*infra*, note 29); *that is, if called for, the proofs in detail will be exhibited.*

The private Statement, drawn up in 1824 by the procurator of the Maryland Mission and submitted to the Superior, Dzierozynski: Statement of money received and expended by the General Fund, from August 22nd, 1820, to January the 1st, 1824, *exhibits a view of the situation, derived from ledgers, submitted for the internal management of the Mission, and intended for no controversial purpose. On p. 7 Marshall proposes the question: Since all regular income is swallowed up in current expenses, how can* the most annoying and dangerous debts *be sunk in the mean time? At the close of his Statement, p. 11, he tries to answer this question; and, resuming the whole debt, both that which falls on the General Fund, of which he has charge, and those which appertain to special localities, he gives the summary heads:*

Debt of the General Fund, including that of the White Marsh, as above		$16,317
,, of the College (said to be)		11,000
,, of Conewago		2,462
,, of Washington Seminary		550
		30,329

He proceeds: The debts of Newtown, St. Thomas's, St. Inigoes, are not acknowledged till new procurators are appointed. *So, too, the successors of the present managers at Georgetown College will find* $3000 *or* $4000 *more of debt than is now acknowledged. With the interest, the whole debt is probably* $35,000. *If the plantations and the Seminary liquidated their indebtedness, the remainder,* $27,317, *would still remain at the charge of the General Fund, of which, however, the annual income at present is swallowed up by the annual expenditure.* Where are these means to be found? *He has no answer to give, except a few generalities, which he offers to enlarge upon, if required.* (*Md.–N.Y. Province Archives*, Cc, *Marshall's Statement, 1824, pp. 7, 11.*)

Etenim confabulando, quindecim circiter abhinc mensibus cum Jesuita mihi olim conjunctissimo, ingenue mihi fassus est summam totalem debitorum Societatis assurgere ad 21,000 scuta, vel ad summum 22,000.[4]

2º Assertio debitorum extensa nimis. [*Debts exaggerated.*]

Illud idem fuit mihi nuperrime confirmatum a Dⁿᵒ Souanen qui, per aliquod tempus in rebus temporalibus officio quodam fungebatur.[5]

Sannen: ex-Jesuit.

Nempe mihi dixit administrationem rerum temporalium Societatis tria capita comprehendere, videlicet: collegium Georgiopolitanum, Corporationem Marylandiensem, tandem varia praedia quae possidet Societas; deinde addidit,

1º Collegium Georgᵐ debere	5000 scut.
2º Corporationem Marylᵐ	9000 scut.
3º Omnia praedia simul sumpta	7000 scut.
	21000 scut.

Atque cum ab ipsò inquirerem quae summa Societati debetur, respondit se non cognoscere quid debetur neque Corporationi Marylandiensi,

[4] *Father Anthony Kohlmann, revising these Propositions in Rome:* Osservazioni sopra la risposta di M. Marechal, *makes two remarks here, which apply to much of what follows; first, that the person cited as an authority is not named:* da un Jesuita, il quale non vien nominato; *secondly, that, named or unnamed, no man's vague and loose assertions will stand in the face of books, registers, and ledgers:* A tutto questo rispondo che, nel caso presente si deve più fede ai registri del procuratore generale di quella Corporazione che al dire vago e indeterminato d'un individuo qualunque. (*General Archives S.J., Maryl. Epist.*, 6, iv. S, f. 1. *Cf. infra*, No. 209, *for an account of Kohlmann's papers at this stage of the dispute.*)

[5] *Md.-N. Y. Province Archives. Mr. Germain Sannen, not yet a priest, was studying philosophy at Georgetown, in 1823, and acting as assistant to the procurator of the college, Father Benedict Fenwick. Francis Neale, temporary Superior of the Mission after the death of his brother Charles, wrote to Dzierozynski, minister at Georgetown:* You will also for the present look at the business of the procurator. Father Sannen, I am informed, understands that business sufficient for the present time. I shall see you shortly, and, when better instructed, will give more prudent directions. (*Letter without date or place; probably from St. Thomas's Manor, Aug., 1823.*) *On 12 Dec., 1823. Archbishop Marechal wrote to Dzierozynski, now Superior of the Mission, granting the faculties asked for the Rev. G. Sannen. The latter was procurator of Georgetown College; but, in the next year, was sent as a missionary to Newtown. Then he was dismissed from the Society. In a letter, which Dzierozynski endorses as received* 9 Nov., 1825, *Marechal inquired if Rev. Mr. Sannen had been dismissed* for any cause of immorality or of impiety; or, in general, whether knowing him as you certainly do, you could with safety of conscience, commit to him the care of souls. *With regard to this irregular question, which a superior of the Order could not answer, the archbishop received satisfaction from Father Beschter, the very next day. Writing to Dzierozynski, that Father, who was a pastor at the German Church in Baltimore, said, 10 Nov., 1825:* He [*the archbishop*] afterwards conversed about Mr. Sannen; wished to know from your Reverence the reasons why he was dismissed; that otherwise he could not employ him with security; and that he had written to you on the subject. I answered that our Superior could not comply with his desire; as, according to the Institute [*S.J.*], they must treat even the dismissed with the utmost charity. *Two months after this, Marechal is adducing the testimony of Sannen, as in the text, where he does not mention that the said person has just lost his standing in the Order.* (*Ibid., correspondence, under dates.*)

Marechal's note endorsed by Dzierozynski, Accepi 9 Nov. 1825, *has had the signature cut out, no doubt by Dr. J. G. Shea. Hence we presume it furnished him with the facsimile to be seen in Shea's* History of the Catholic Church in U. S., iii. 52.

neque variis praediorum suorum administratoribus, sed collegio Georgiopolitano 15,000 deberi a parentibus convictorum, simul addens quod forsitan dimidia pars hujusce summae numquam recuperabitur. Hinc, si supponamus quod haec dimidia pars tanquam absolute perdita existimetur, remanebunt 7500 scuta quae plus quam sufficiunt ad solvenda 5000 scuta quibus gravatur collegium.

3º Infidelis. [*Untrustworthy account.*]

Nunc autem nonne merito infidelis dicenda est computatio quae exhibet tantum summam quam adversarii clamitant se debere, suppressa omnino summa pecuniae quae ipsis debetur?[6]

4º P. Jesuitarum debita coeca ambitione contracta. [*Jesuit debts contracted through blind ambition.*]

Magni interest ut Sacra Congregatio cognoscat quomodo debita contraxerunt adversarii.—Coeca ambitione abrepti, videlicet:

1º Emerunt villam prope Neoeboracum ut scholam ibi erigerent.

[6] *Cf. General Archives S.J., Maryl. Epist.*, 1, i., *Grassi's* Memorie sulla Compagnia di Gesù, ristabilita negli Stati Uniti dell'America Settentrionale, dall'1810–1817 (*three copy-books small 4to, 99 pp.*), *addressed in 1836 to the Father General, John Roothaan, pp. 17, 18*; *also ibid., Maryl. Epist.*, 6, iv., *document* S., *Kohlmann's* Osservazioni sopra la risposta di M. Marechal, *viz. the Twenty-three Propositions. These two authorities, Grassi and Kohlmann, both of whom had been Rectors at Georgetown and Superiors of the Mission, refer the College debt to the administration of M. l'abbé Dubourg, S.S., colleague of M. l'abbé Ambrose Marechal, S.S., some quarter of a century before (1796–1799). It was at the time when M. Marechal was occupying the farm of Bohemia* (No. 170, F, *seq.*). *Grassi says that Dubourg had involved Georgetown to the amount of 20,000 scudi, and explains that the war at the time prevented any recovery of the debts from the families of boarders belonging to the French West Indian Islands. The Corporation desired Dubourg to resign. Kohlmann states that he found the College debt under this head to be "at least 10,000 scudi." It is to be supposed that by "scudo" these writers meant a dollar; for, if they had meant a Roman scudo, the depreciated condition of American currency would have made the sum for Americans very much higher. But the issue with Marechal here would have been the same, since he, too, uses the term* scutatum *for a dollar.*

Grassi ibi: [*Il Collegio*] andò soggetto a diverse vicende, secondo le circostanze de' tempi, e lo spirito chi lo governava. La vicenda principale avvenne allora quando ne fù Rettore l'ab. Dubourg Sulpiziano, uomo di gran disinvoltura nel conversare, ma ignaro di economia, sicchè il Collegio trovossi ben presto indebitato di più di 20,000 scudi, il che per altro in parte avvenne anche perchè aveva accettato, senza esiggere che uno negli Stati Uniti rispondesse pe'parenti de'figliuoli come portava il prospetto, un buon numero di convittori nativi delle Isole Francesi, La Guadalupe, St. Domingo, etc.; e a motivo della guerra non si potevano ritirar le pensioni, eppure conveniva mantenere i figliuoli, poichè non si poteano mandar a casa. La Corporazione ringraziò Monsignor Dubourg, il quale partì non poco irritato contro que' della Corporazione, e si mise in capo di aprir egli in Baltimore un Collegio, che fosse più liberale di quello di Georgetown, e l'aprì per Cattolici e non Cattolici, permettendo a questi ultimi di uscire le feste per andare a'loro tempii, e a casa per pranzo. In vano si opposero a questa idea gli altri Sulpiciani, col motivo che la Congregazione loro è destinata a regolar Seminarii Ecclesiastici, e non Collegi di gioventù secolare. Mgr. Dubourg fù inflessibile, aprì Collegio, ebbe sussidii di lotterie, e ciò non ostante a forza di fabbricare, e distruggere, di riedificare il distrutto, contrasse enormi debiti; ma egli si cavò di ogni imbarazzo col partire per la Nuova Orleans, alla cui Sede Vescovile era stato nominato; dalla quale passò poi più tardi a quella di Montauban, e da questa in fine a quella di Besançon, ove morì.

Less picturesque than Grassi, Anthony Kohlmann, treating the present passage of Marechal for the information of the Propaganda, says: Pag. 15, No. 3, *That the account of the debt is unfaithful,* infedele. A questo rispondo: 1º. che quel P. Sannen non è mai stato procurator generale di quella missione, e che non ha mai avuta una esatta notizia delle cose nostre temporali. 2º Bisogna di osservare che quel P. Sannen, del quale il Arch. derivò la sua notizia è stato dimesso della Compagnia.

Jesuit New York Academy. Washington Seminary. Georgetown College lots.

Sed paulo post, cum deficerent tum idonei professores tum sufficiens numerus convictorum, coacti sunt eandem villam iterum vendere. Corporatio Marylandiensis eam emerat pretio 17,000 scutatorum, quae soluta sunt ex bonis Marylandiensibus (et, ut opinor, contra intentionem principis Baltimore et aliorum piorum donatorum); et hanc eamdem villam vendidere cum damno 8000 scutatorum.[7]

2°. Eodem tempore amplam aedificarunt domum in civitate Washingtonis quae ipsis constitit 14,000 scutatis.[8] Quibus motivis erectionem hujus aedificii susceperunt, est enigma mihi insolubile. Per breve tempus quidam novitii in ea commorati sunt. Sed tali proposito adeo inconveniens inventa est ut eam cito deserere coacti fuerint. Deinde eamdem per aliquot annos cuidam ludimagistro[9] locarunt; ac tandem scholam in ea instituerunt et nunc dirigunt, quamvis Superior Generalis ejus dissolutionem iterum atque iterum mandaverit, existimans modum quo dirigitur litterae et menti instituti S. Ignatii prorsus esse oppositum. Quidquid sit, certissimum est P. Jesuitas hanc domum erexisse ecclesiae S^ti^ Patricii omnino contiguam, ut archiepiscopi Baltimorenses eos necessario constituerent pastores hujusce ecclesiae et sic obtinerent amplos ejus reditus, qui assurgunt saltem ad 2000 scuta per annum.[10]

3°. Che, quando sono stato alcuni anni fa rettore di quel collegio, eran almeno 10,000 scuddi che [*di ?*] quel che si doveva da multo tempo al collegio dai parenti dei convittori inhabbitanti delle isole chiamate occidentali di America, come Sta. Croix, Martinq, S. Domingo, etc., era riguardato comme affatto perduto e non recuperabile se non con liti [?] e spese che oltrepasserebbero da lunga mano il debito.

Cf. No. 170, B², 13° *resolution of the Corporation, 3 Nov., 1801, about a report to be made of Georgetown College debts, since* the commencement of Mr. Dubourg's administration.

[7] *Cf.* Nos. 109, B; 181, A [*x.*].

[8] *Kohlmann, on this statement of Proposition 4, that the house at Washington was bought by the Jesuits for 14,000 dollars, adds the circumstance that it was bought by means of a legacy assigned for this purpose by a Jesuit:* 2. La casa a Washington è stata fabricata dal R. P. Jov. Grassi, alora superiore, da un legato di uno dei nostri lasciato a questo effetto, cioè per una casa di noviziato. *The Jesuit in question was, no doubt, Mr. Alexander Divoff, a young Russian nobleman, who, having been converted in Russia, left his country, became an attaché of the Russian legation at Washington, then declared himself a Roman Catholic, and entered the Society at Georgetown (3 June, 1812). His annual pension was $2600 net. The Statement of the procurator, Father Adam Marshall, 1824, has the item: $7858.20, received (22 Aug., 1820, to 1 Jan., 1824) by Alexander Divoff's income in three years and a half.* (*Md.–N.Y. Province Archives*, Cc, *Marshall's Statement, 1824, to Dzierozynski, p.* 1.) *There is an official copy of his act, by which he disposed of this pension, viz. to the* support of the house of the Society at Washington, as long as the same Superior [*of the Mission*] for the time being may not dispose otherwise, *29 Sept., 1820, Georgetown. There follows an official acceptance of* the above appropriation, *Washington, 30 Sept., 1820, by Anthony Kohlmann, Superior for the time being* (*Md.–N.Y. Province Archives, Record Book* IV., Liber Consultorum, *ad fin.; the two documents, 1 p. fol., in Kohlmann's hand, both sealed*). *The legacy given to Grassi, for the building of the Washington house, must have been before 1817, when that Father left America for Rome. Grassi remarks in his* Memorie, *that Divoff's father was a landlord with 40,000 peasants on his estates, and had promised Alexander 30,000 roubles to start in business, when he chose to do so. The young man, however, was leaving Russia not for business, but for conscience' sake.* (*General Archives S.J., Maryl. Epist.*, 1, i., *Grassi's* Memorie sulla Compagnia di Gesu, ristabilita negli Stati Uniti dell'America Settentrionale, dall' 1810–1817; *pp. 89, 95.*)

[9] *George Ironside. Cf.* No. 119, [*xi.*] p. 456.

[10] *Cf.* No. 119, [*xi.*].

3º Tandem circa illud tempus emerunt et quidem maximo pretio non parvam terrae quantitatem in vicinitate collegii Georgiopolitani, spe ducti quod ante longum tempus civitas se se huc extenderet et quod dividendo has terras in particulas (lots) immensum lucrum inde referunt [*referrent*].[11]

5º Dimittant suas speculationes, et sua debita facile solventur. [*Let them stop their speculations, and they will pay their debts.*]

Hae sunt, Eminentissime Cardinalis, verae causae debitorum, quae P. Jesuitae in Marylandia contraxerunt.

Sed valedicant hujusmodi speculationibus et vendant amplam domum quae in Washingtoni sita est, simul et terras collegio Georgiopolitano contiguas,[12] tunc facile solvere poterunt debita sua et adhuc remanere non solum divites, sed etiam ditissimi, uti in sequenti paragrapho patebit.

Let them sell Georgetown and Washington property: liquidation.

6. Patres Jesuitae ditissimi. [*Jesuits very rich.*]

Etiam si admittatur adversarios vero debito 35,000 scutatorum premi, attamen tanta et tanti valoris sunt bona tum immobilia tum mobilia, quorum administrationem habent, ut merito dici queant ditissimi.

1. Quoad immobilia, mitto ad Sacram Congregationem authenticam eorum bonorum enumerationem exscriptam ex ipsomet registro publico civitatis Annapoleos, ubi, juxta decretum Legislaturae Marylandiensis, tres Jesuitae, qui possessores erant totius provinciae bonorum sacrorum, anno 1793 coacti sunt[13] sistere et sub solemni sacramento declarare omnia bona immobilia quae possidebant (Vide chartam inclusam No. 1).

Real estate. Declaration by ex-Jesuit trustees in 1793.

Huic authenticae enumerationi unam tantum observationem adjiciam:

[11] *Cf. Kohlmann's observation on this passage about St. Patrick's, Washington, and the Georgetown lots:* Vicino alla chiesa, 1º perche il curato [*Matthews*] aveva dato il fondo, e 2º che era equalmente vantagiosa e per i novizi e la congregazione che fossero contigui alla chiesa, etc. 3º La terra intorno al Collegio è stata comprata per un fine affatto opposto a quel che il arch. ci imputa, cioè, non per dividere in portioni nel progresso del tempo e venderlo, il che sarebbe la specolazione la più assurda, come è chiaro che la città non si estenderà mai da quella parte, ma per allontanare e escludere per sempre vicini molesti e scostumati, e per conservarvi precenti [*i recinti?*] del Collegio perfettamente liberi da ogni intercorso dei secolari. *Cf. the Diary of Father McElroy, procurator* (*Georgetown College Archives*): 1814 . . . Nov. 2. Purchased from John Threlkeld about 30 acres of land adjoining the Wash House. *At first, Washington did not develop towards Georgetown.*

[12] *Cf. Kohlmann, ubi supra:* Pag. 16, 3 parag.; 5 Nº marg. "Dimittant suas speculationes," etc. Mi fa veramente stupire di sentire un Arch. di bramare che si distrugga una casa di educazione, sita nella sua diocesi, dove si educano 130 figli delle prime familie di America, che è tanto stimata dal governo, che il Presidente [*U.S.*] non ha creduto di abbassarsi nello fare l'ultimo anno la distribuzione [*dei premii*], etc. In oltre, cosa risultereb[*be*] della vendita di quelle case e della terra intorno al Collegio? Oltre che sono certo che non si potrebbe trovar un comprator, non porterebbe l'uno e l'altro insieme che 4 o 5 mila scudi. Si aggiunga che alienare la terra intorno al Collegio sarebbe un manifesto distrugger il Collegio medesimo.

[13] *Cf.* No. 116, C, [1º], *Marechal to the General:* Sponte adiisse senatum Marylandiensem et proprio motu coram ipso conjecisse in unam communem massam omnia bona, *etc. As to the* tres Jesuitae, *there were no Jesuits at that time.*

For the text of the three documents, quoted here by Marechal "as the authentic enumeration of their estates transcribed from the public register itself of the city of Annapolis," that is to say, the Declarations of Walton, Molyneux, and Ashton (1793), see No. 167. *They are referred to above,* No. 118, note 28. *They contain, in identical*

nimirum, tres praefati PP. Jesuitae unicuique numero jugerum terrae quae unumquodque praedium continere declararunt, hanc caute formulam addiderunt: "Plus minusve," non mere prudentiae causa, uti mos est in contractibus quibus terrae in nostris regionibus venduntur. Tanta namque est differentia inter numerum declaratum et realem, ut huic motivo attribui nequit [!]. Unum aut alterum exemplum afferam.

Isti patres declararunt praedium Bohemiae continere tantum 1100 arpanas. Per quinque annos[14] Bohemiae vixi atque, cum administrationem haberem hujusce praedii, volens scire quantitatem terrae in eo contentam, conduxi virum ut geometrice ipsius superficiem commensurarem; atque invenit fere 1600 arpanas continere.[15] Iterum declararunt praedium S^{ti} Ignatii una cum insula S^{ti} Georgii comprehendere tantum 3000 arpanas. Verum omnes consentiunt praedium solum constare saltem 3000 arpanis et insulam S^{t} Georgii 800 continere.[16] Idem dicendum est de numero arpanarum cujuslibet praedii.[17]

Declaration false—shown in case of Bohemia. Marechal's plat.

Hinc duplicem seriem mihi necessarium est conficere, ut Sacra Congregatio accuratam habeat cognitionem praediorum quae patres Jesuitae in Marylandia possident.

1^{a} series exhibebit numerum arpanarum quas unumquodque praedium continet, juxta declarationem solemnem factam sub juramento coram magistratibus a tribus praefatis Jesuitis.—2^{a} indicabit numerum arpanarum qui verus est, aut saltem veritati longe propinquior.

7. Authentica enumeratio praediorum quae possident. [*Authentic statement of Jesuit real estate.*]

Varia praedia quae p. Jesuitae in Marylandia anno 1793 possidebant.[a]	Numerus declaratus.	Verus numerus
	Arp^{ae}	
S^{t} Joseph	207	207
Arabia Petra	344	344
Chance's [*Cheney's*] adventure	100	100
S^{t} Inigoes & S^{t} Georges Island[18]	3000	3800

The Jesuit Trustees' false declaration under oath. Marechal's corrections.

(a) *The names which follow in this column are curiously written in the English College copy. They are supplemented here with some corrections. In the* Sommario *of the Propaganda they are more curious still.*

form, the one affirmation, that all the property, which each respectively designates, is for the uses of those who were formerly members of the religious Society, heretofore known by the name of the Society of Jesus. *This one affirmation in the three affidavits is nowhere alluded to by Marechal.*

[14] *Cf.* No. 121, A, Notae, 3º, (1º): Per septem annos.

[15] *Cf. supra*, No. 83, B, *Marechal's plat of Bohemia, which agrees with the Declaration of Walton, and disagrees with the statement here of Marechal.*

[16] No. 24, pp. 201, 202.

[17] *In the list which follows here there are fifteen distinct estates; yet the writer introduces a variation in the numbers of acres for only seven.*

[18] Nos. 24, pp. 202, 203; 47; 97, 1^{a}.

Chapel land	20	40
Britton Neck [19]	700	750
St. Thomas manor [20]	4000	5000
Carrolburg or White Marsh [21]	2000	3000
Chance's [*Cheney's*] plantation	150	
Taylers [*Ridgeley and Tylers Lot*]	64	
Heimut [*Hainaut or Ayno*] Bright Seat Little Bright Seat	700	700

[19] Nos. 26; 33; 97, 2ª

[20] Nos. 25, pp. 203, 204; 47. *Marechal here does not use correctly Walton's Declaration, which runs thus:* St. Thomas's Manor lying in Charles County, four thousand acres more or less, and the several lesser tracts adjoining that part of the said Manor lying on the East of Port Tobacco Creek. *Cf.* No. 97, 3ª

[21] Nos. 62, C; 97, 4ª *Here Marechal's numbers of acres, 3000 for White Marsh, and 700 for three other tracts appertaining thereto, afford the only case in his list of corrections, where, as tested by the documents, the sworn statement of Walton might seem to be invalidated. Compared with Father George Hunter's summary report of 1765* (No. 97, 4ª), *Marechal seems to be no more above the mark than Walton falls below; supposing that White Marsh and the annexed plantations were in Walton's time* (*1793*) *what they had been in Hunter's* (*1765*)*—which, however, in the case of a divergent "sworn statement before magistrates" is not to be supposed. Hunter says about "St. Francis Borgia's Mission, commonly called White Marsh:"* Plantation 1900 acres, adjoyning tracts 700 Dº, distant tracts, 700 Dº *This makes 3300 in all. Walton, on the other hand, as mentioned in the list above, declares: 2214; and the three tracts following: 700; always with the prudential qualification:* more or less. *This makes only 2914; a difference of 386 less. Marechal without documents corrects Walton's official document, and puts for White Marsh and the tracts: 3000 + 700; which gives the sum of 3700; a difference of only 400 more than Hunter's, but of 786 more than Walton's.*

The explanation may be found in other documents. About 1778, Hunter himself seems to have alienated some part of Fingall to Charles Stuart, unwillingly indeed, but still under some kind of necessity. Fingall, dwelling-place of James Carroll the donor, consisted, according to the same Carroll, of 450 acres (No. 62, C). *This estate does not appear in Walton's declaration* (No. 167, A).

Charles Stuart writes to George Hunter a long and involved letter, dated from Doden, 10 Sept., 1778. He mentions Father Ashton and Stuart's father as contesting some part of Fingall; also Mr. Carroll as a referee of Hunter's in the matter. He claims a deed of conveyance for the contested as well as the uncontested part. He names other persons, Wm. Brown, Lewis Lee, Wm. Digges, as witnesses in the controversy. A deed of conveyance has already been executed for the tract Obligation. *To this letter Father Hunter sends a kind answer, under date of 21 Sept., 1778, saying that the information imparted, with regard to Mr. Stuart, sen., and Mr. Ashton,* entirely altered the affair. I am still positively assured there are very sufficient witnesses to testify that your father gave up all claim to a deed from me for Fingall at their meeting for the survey and again at their meeting for the drawing of bonds. Whenever the point is cleard up, if in your favor, with justice and equity require [!], shall be readily and willingly complyd with, tho greatly to my loss. (*Md.–N. Y. Province Archives, 45, 4 pp. fol.; a copy* (*by Ashton?*), *end.:* Letter from Charles Steuart to Mr. George Hunter, with answer to same.) *In a Day-Book of Hunter's we find:* Rd. Mr. Lewis, Dr. . . . 1777, June 12: To Rd. Mr. Ashton for your bond to C. Carroll. £400 : 0 : 0 *currency.* (*Ibid., 2nd carton* DB, *Hunter et alii*, f. 31.)

Prior to this negotiation, G. Hunter's first will (*31 May, 1769*) *devises to John Lewis* Fingal lying in Ann Arundel County, containing four hundred acres more or less. *At the time of the negotiation, Hunter's second and final will* (*12 July, 1778*) *leaves to James Walton* Fingal lying in Ann Arundel County, *omitting a statement of the extent* (No. 167, B, *ad* 6).

Thomas beginnings [22]	115	115
Dear Creek pogmods	36	36
Mount Prospect	600	600
Fred[k] town 50 Various lots 9 5	63	64
Bohemia [23]	1100	1550
St. Joseph	114	114
Summa	13.313 arp.	16.450 arp[as] [24]

Inspiciendo chartam inclusam N[o] 1, invenio P. Societatis ab anno 1793 subsequentia praedia vendidisse.

Arabia Petra	344
Haimut [*Hainaut*] Bright Seat Little Bright Seat	700
S[t] Thomas beginning et Dear Creek	151
Mount Prospect	600
Pogmods	36
	1831 arpanae.

Subtrahamus hanc summam a summa totali utriusque seriei supradictae: remanebit

11,482 vel verius 14,619 arpanae.[(b)]

Haec est terrarum quantitas quam distributam inter varia praedia actualiter possident P. Jesuitae in Marylandia.[25]

(b) *The numbers with sum-totals are left as they stand in the documents cited.*

[22] No. 97, 5[a]

[23] Nos. 48; 83, B; 97, 8[a]

[24] No. 97, p. 337. *It appears from the foregoing documents, as just cited in the notes, that all the "true numbers,"* verus numerus, *are amiss where they differ from the* numerus declaratus, *or Walton's and the other Trustees' "declared numbers," which were authentic.—The* St. Joseph's *at the head of the list is from the Declaration of Molyneux. The two next are from Ashton's; the second of the two being an accession to White Marsh, bought in Ashton's name. Walton's series begins at the next name,* St. Inigoes, *and ends with a second* St. Joseph, *which was another part of the estate already declared by Molyneux* (No. 95, K, L). *The number of acres in this latter* St. Joseph *is given by Walton as 144* (No. 167, A); *not 114 as here. The circumstance of Marechal's leaving the error, 114, and confirming it as a* verus numerus, *seems to show that in confirming, no less than in correcting, he had no data to go by, except the declared lists, here copied incorrectly.*

[25] *As to this publication of other people's property titles, cf.* (*Victor De Buck, S.J.*) Examen Historicum et Canonicum libri R. D. Mariani Verhoeven, de regularium et saecularium clericorum juribus et officiis, *Brussels, 1847*, p. 397. *Palafox, Bishop of Puebla, in Mexico, had made a similar publication of Jesuit titles, in the course of his controversy with the Fathers* (*1647, etc.*): Animadvertatur animos maxime ex eo concitatos fuisse, quod Palafoxius, postquam litem de decimis movisset, indicem confecerat omnium bonorum Patrum Societatis, eumque notum fecerat, ea mente ut omnibus justo ditiores haberentur (res sane invidia plena). *His contention about*

Hic quaeri potest quisnam sit harum terrarum valor? Id difficillime determinari potest; etenim aliquando terrae maximo pretio venduntur, aliquando inferiori, pro mutationibus quae in commercio saepe contingunt. Insuper earum valor maxime pendet ab earum fertilitate, situ, etc., etc., etc. Verbi gratia, terrae collegio Georgiopolitano contiguae facile venderentur 150 scut. per arpanam. Idem forsitan dici posset de terris quae vicinae sunt civitati Frederickpoleos. Portiones quorumdam praediorum sine difficultate emerentur 50 aut 40 scutatis tantum.[26]

tithes had taken the form of forbidding the faithful, under penalty of excommunication latae sententiae, to alienate property in favour of regulars unless they reserved tithes for the cathedral church.

Cf. infra, No. 210; *Beschter's account of Marechal's admiration for Palafox* (*17 Feb., 1823, to C. Neale*).

Tithes belong to the class of provisions made for a clergy established, and legally entitled to support from the faithful. As to the amount of contribution due under the title of "tithe," or a tenth part, Sir James Marriott, Advocate-General, in his Report on a Code of Law for the Province of Quebec, 1772, *notes that in France a strict tenth of the fruits of the earth in kind was never taken; it nowhere exceeded a twelfth part; commonly a twentieth or twenty-fourth part only was taken; while in Canada no more than a twenty-sixth was required in kind, after threshing and gathering into the granary* (*British Museum MSS.*, 26,052, pp. 225 *seq.*). *This would make the contribution of the faithful to an established clergy 3·9 per cent. The demand of Mgr. Marechal on a regular Order in his diocese, amounting to what the Jesuits maintained was in value one-third of their entire possessions, would come to 33 per cent. for ever, on behalf of his episcopal mensa alone; and the priests thus summoned to contribute were not the faithful served by the clergy, but were the clergy serving Mgr. Marechal's laity, on the basis of their own funds and of the property to be expropriated. The Superior, Dzierozynski, wrote to the General:* Nullam autem domum vel ecclesiam in Marylandia habemus alienam, excepto Baltimor [*St. John's*], sed omnes sunt proprietas Societatis (*Maryl. Epist.*, 3, i.; *Sept. 24, 1825*). *Cf.* History, I. § 49 (2), p. 409; *Father Thomas Copley's remonstrance, on John Lewger's demanding a tenth of the Fathers, without a title. Cf. ibid.*, § 51, pp. 424, 427.

The demand on the Jesuits for the episcopal mensa in Maryland corresponded to what a progressive Government like that of Italy to-day exacts of the episcopal mensa itself for the lay treasury; unless it happens that, in spite of previous spoliation, the mensa still enjoys over 50,000 francs of yearly income, in which case, by the application of a sliding scale, a higher exaction is made. Thus the mensa of the bishopric of Padua, which before expropriation had an income of 120,000 francs per annum, has still 52,000. Out of this 52,000 there is exacted, under the manifold claims of manomorta, quota di concorso, ricchezza mobile, imposte pubbliche, aerariali, provinciali, comunali, as much as 33,000 yearly; which is over 63 per cent. from the episcopal mensa (*Card. Callegari, Bishop of Padua*). *Besides, at the death of a bishop, the see is kept vacant during 6–8 months, till an exequatur is issued; and all the income during that vacancy is appropriated by the public treasury.*

[26] *The property at Georgetown, instanced here by Marechal, is not in Marechal's list of estates, as in fact it was not one of them. The quasi-city property at Frederick is not specified here. As to the figure given, "$40 or $50" per acre for "portions of some estates," and an average of $25 for the property all together, cf. Hunter in 1765* (No. 97, p. 337, 5º), *at a time when American currency was 30–40 below par* (Nos. 66, E; 70, p. 263, *ad* B; 101, pp. 343, 344): 5º The value of land, putting good, bad and indifferent together, generally upon an averadge is reckoned at 20 s [?] sterling ℔ acre. *Mosley in 1786* (No. 95, D) *states that* our best lands sell from £6 to £12 per acre, our currency one-third less than sterling money. *Ashton in 1786* (No. 85, C) *bought 344 acres, called Arabia Petrea in Harford County, for £645. 15 currency; which, at the same rate of discount, would not differ much from Hunter's 20 sh. sterling. Archbishop Carroll in 1814* (No. 87, F, G), *when selling the rich land of Paradise at Deer Creek, as well as Arabia Petrea, asked on behalf of the Corporation $18 per acre, but came down to $12, at least for Arabia Petrea. The procurator, Adam Marshall, in 1822* (No. 88, J), *being authorized to sell Arabia Petrea to Stump, parted with it for $1457, at about $4 per acre, instead of Carroll's original demand of $4080, at $12 per acre;*

8. Probabilis valor praediorum. [*Probable value of Jesuit estates.*]

Ut probabiliorem valorem obtineamus omnium praediorum supra enumeratorum, sumamus medium terminum, nempe supponamus unamquamque arpanam 25 scut. valere ; et ducamus per hunc numerum totalem summam arpanarum : tum habebimus :

1º 11,482 × 25 = 287,050 scutata ;

vel quod est longe probabilius : 16,450 × 25 = 411,250 scutata.

Haec sunt bona immobilia quae P. Jesuitae in Marylandia possident.

[*2*] Nunc veniamus ad eorum bona mobilia quae aeque sunt maximi valoris.

9. Enumeratio et probabilis valor bonorum mobilium quae possident. [*Probable value of Jesuit chattels.*]

1º Habent circiter 500 Africanos homines ipsis servitute devinctos, quorum medium pretium est circiter 200 scut.[27] Ergo totalis eorum valor est 100,000 scut.

2º Tanta est multitudo equorum, boum, ovium, etc., etc., etc., ut si ex variis praediis colligerentur numero aequarent greges quibus olim quidam patriarchae ditabantur.

Africans, flocks, utensils ; lots in Washington and Georgetown : shares ; perquisites.

3º His possessionibus addi debet valor utensilium, suppellectilium, etc., etc., etc., quae in unoquoque praedio reperiuntur, qui quidem valor non parvam pecuniae summam conficit.

4º Possident tum in civitate Washingtonis tum in Georgiopoli plurimas portiones terrae (lot) quae sunt maximi valoris.

5º Annuos redditus percipiunt aliquos ; verbi gratia, ex Anglia virtute testamenti venerabilis mei praedecessoris D. Carroll.[28] Ex actionibus (actions) in pontem fluvii orientalis Washingtonis, quas ipsis dono

\$8 *an acre, he says, had been* offered for it a few years before, and when sold only 4 were got (*Marshall's Statement to Dzierozynski, 1824*, p. 8, d; *ubi supra*, No. 88, p. 304). *This property was* formerly bought as woodland for a plantation [*Deer Creek*], which we possessed in that part of the country, and which is now of no value to us (*Marshall's Statement of the Plantations to the General, 1821, § 11; ubi supra*, No. 87, p. 300). *In 1824, lands had so depreciated in Maryland and New York, as Marshall affirms several times, and as he shows by the results of his own operations, that selling was little better than giving away. This was only two years before the date when, in the text here, Marechal gives \$25 per acre as an average value for all the estates taken together.*

[27] *This valuation of negroes per head seems to be derived from the operations at Bohemia, during a year and a quarter (8 Jan., 1794–10 Mar., 1795), after the Abbé Marechal's hand begins to appear in the registers of that plantation. In the course of those fifteen months the sale of nine slaves and the purchase of four come to an average of £30 per head, for men, women, and children. Then the sales stopped. The Corporation decreed (21 Aug., 1795) that, in according the usufruct of this estate to the Seminary of Baltimore,* moneys arising from the sale of negros are not understood to be enumerated among the profits of the estate (No. 170, G, H).

As to the number of slaves, Hunter's report for 1765 (No. 97) *gives a total of 192 for the seven estates which he enumerates ; and only 101 of these were working hands. His seven estates comprise fifteen of the nineteen heads in Marechal's list. The others, town lots (Frederick), or woodland not settled (Frederick, Mount Prospect, Arabia Petrea), were not provided with slaves. Cheney's Adventure was part of White Marsh.*

For Kohlmann's statement of the actual number of slaves, at the date of Marechal's Propositions, see infra, note 29.

[28] No. 119, [X.], note 23. *For N. Young's will, cf.* No. 162, Q, S.

donavit Rev. Notley Young. Ex actionibus alios in Bancam Washingtonis, quas obtinuerunt a R^do^ Vergnes,[29] qui non ita pridem defunctus est; etc., etc., etc.

6º Tandem retributiones exigunt et percipiunt a multitudine fidelium in omnibus locis in quibus sacrum exercent ministerium. Olim contenti fructibus suorum praediorum in vinea Domini gratis laborabant.[30] Nunc

[29] *Md.-N. Y. Province Archives, Francis Neale, St. Thomas' Manor, 22 Oct., 1827, to Dzierozynski. He states that he has made arrangements with Father Mudd (S.J., pastor at White Marsh) and Columbia Bank, about paying the remaining money due to Mr. Vergnes. But here as in other places the documents in archives fail to keep abreast of these Propositions.*

Kohlmann criticizes these Propositions 6–9 as follows, in his Osservazioni sopra la risposta di M. Marechal, etc.:

Pag. 16, No. 6, marg.—et pag. 17, 18, 19, ad enumerationem praediorum, servorum, utensilium, &c.

Dico 1. Mihi certissime constat numerum arpanarum non excedere 12,000. 2º Valorem horum praediorum ultra omnem fidem exaggerari, adeo ut mihi persuasissimum sit, corporationem lubentissime cessuram omnia sua praedia una cum servis, equis et utensilibus pro dimidia vel etiam 4. parte summae valoris "probabilioris" quem assignat.

2. Dicit Arch. Jesuitas habere circiter 500 Africanos homines, quorum medium pretium est circiter 200 scutata. Juramento ferme affirmare possum, eos non habere nisi ducentos et 40 aut 50 ad summum, circa quos illud observandum: 1º praedia competenti numero Africanorum sejungi non posse, cum praedia absque illis nullius prorsus sit valoris. 2º Proles, infirmos, senes merum esse onus; eos ultra 45 annos alienari non posse. 3º Retineri non posse absque summo onere, cum eorum sustentatio quasi omnem proventum consumat; et vendi non posse in conscientia, cum talis venditio post se trahat animarum eorum perniciem.

Pag. 19. N. 4, et 5. Tuto affirmare possum in conscientia portiones aliquas terrae (lots), quas possident Washingtoni et Georgiop., item redditus annuos, item actiones in Bank Washingtonis, vel nullas esse vel exigui tam momenti, ut nec commemorari mereantur, id quod, si necesse sit, probabitur singillatim. Illae lots in Wash. et Georgetown inutiles sunt, nec valent ad solvendas taxas, et qui non haberet praeter illas lots centuplicatas, moreretur fame.

In his Osservazioni sopra il scritto della Propaganda, *which is apparently a draft of the foregoing, he adds an illustration from Daniel Carroll's experiences at the time:* Nam audivi esse in America qui immensos tractus terrae possident, et etiam in ipsa urbe Washingtoniana, qui tamen tam [*parum?*] ex illis trahunt, ut non sufficiat taxae solvendae (Daniel Carrol); multa etiam aedificia possidet in civitate, et tamen rei domesticae penuria premitur. (*General Archives S.J., Maryl. Epist.*, 6, iv. S.)

Adam Marshall, in his Statement to the General, 5 Mar., 1821, says: It must also be observed that those of our lands in the State of Maryland, which are not rented, are exclusively cultivated by slaves, whose rule always is to work as little as possible. We have to maintain them and their families; and generally, out of 50, there are hardly 20 that earn their support. We have about 300 of them. (*General Archives S.J., Maryl. Epist.*, 2, ii.; *5 Mar., 1821.*) *This would give a total of about 120 slaves sufficiently useful to maintain themselves.*

[30] *Cf.* No. 60, B. Retributiones, *or collections, stipends, honoraria on account of the sacred ministry, were authorized for the first time in the Church history of the United States by the statutes 5–8 of the first Synod, held November, 1791, under Bishop Carroll. The majority of the members present, including the bishop, were ex-Jesuits. The system of gratuitous service, which had prevailed for 158 years under Jesuits and ex-Jesuits, was modified, as the new times and circumstances required. And so the Representatives of the Select Body of Clergy, holding their first meeting after incorporation, recognized the new principle in the following resolution:* 13. The Secretary of the Representatives is directed to write without delay to the Clergyman of Frederic-Town [*John Dubois?*], to desire him to use his utmost endeavours to obtain, as soon as possible, a sufficient support from the Congregations, on which he bestows his services, agreeably to the directions of the Bishop in his Pastoral Letter. (*Md.–N. Y. Province Archives*, No. 3, *volume of secretaries' records, Corporation and Representatives: meeting of Representatives at St. Thomas's Manor, 3 June, 1795, pp. 9–10.*)

autem pro administratione sacramentorum, pro sepultura mortuorum, missae celebratione, etc., etc., etc., retributiones recipiunt. Sicuti sacerdotes

There was no intimation conveyed in the statutes of the first Synod about any special provision for the Ordinary, who, as well as his ex-Jesuit successor Leonard Neale, was provided for by the ex-Jesuit Select Body of Clergy. Then came the third archbishop, Ambrose Marechal, who desired the same provision to be continued for himself. At the same time, he urged the faithful to contribute towards the maintenance of their Jesuit pastors, stating that the situation of their temporal affairs is unfortunately very different from that of their venerable predecessors (No. 60, B). *Compare Kohlmann's statement to the General, 19 Feb., 1822, that some Jesuit pastors* certam pecuniae summam, non modo admittunt, sed etiam exigunt (No. 119, note 29). *This matter the same Kohlmann touched upon in his* Osservazioni da fare al Papa intorno alla lite col Archivescovo di Baltimore, *soon after the date of these Marechal Propositions, but before he had himself seen them* (*cf.* No. 209). *After sketching the history of the revived Society up to the time of the present controversy, he says:* 6. Da quel tempo fin adesso, quella missione avendo a pagare li interessi della deta somma ogni anno, è stata tanto grande la sua angustia, che subito si chiuse il noviciato e rimase chiuso fin ahora, si aprì una schuola a Washington per sostentare i Scholastici, i padri si veddero costretti di domandare, contro il loro costume, dal popolo fedele il loro necessario sostentamento, e si introdusse in tutte le case una oeconomia domestica tanto stretta, che si può dire con tutta verità che vi mancava il assoluto necessario. (*General Archives S.J., Maryl. Epist.*, 6, iv. R.)

Meanwhile, for the support of the Ordinary, there were the same means available as for the support of the clergy in general, and for that of all other bishops in the United States, not to mention the ecclesiastical property left expressly to the Ordinary of Baltimore for an episcopal mensa by his two predecessors in the same see. Kohlmann says, ibid.: 10 . . . Ora sacrificar una mission entera per proveder una mensa ad un vescovo sarebbe judicato da tutti un operare non ad aedificationem sed ad destructionem.—Ma come dunque si manterrà l'Archivescovo? R. Cogli 2000 scudi che ha, e per la pieta de' fedeli, in una parola, si manterrà come li altri 10 Vescovi de' Stati Uniti, che sono mantenuti da' loro diocesani, e ai quali col andare del tempo si fara una mensa vescovile per le donazioni inter vivos et mortis causa, et per i pii legati, &c. (*ibid.*).

In his Libellus Supplex to the Pope, of the same date, Kohlmann insinuates more than once, that the whole contention of the archbishop is not to obtain support, but to assume a European style and grandeur: I predecessori di M. Marechal, essendo i primi Vescovi dei Stati Uniti non hanno trovato nisun provedimento per la loro sostentazione, ne avevano mezzi per procacciarcela, i catholici essendo allora e pochi e poveri; adesso il Archivescovo ha più abundanti mezzi di tutti altri Vescovi dei Stati Uniti per aver un onesto sostentamento, nelle proprietà lasciateli da' suoi predecessori, dai scanni della sua bellissima cathedrale che si affidano [*affittano*] a gran prezzo, dagli jura stolae risultanti dai Baptesimi e marrigy [!] dei richi che sono considerabili, dal recorso fatto alla sua greggia, mezzo che si adopera da tutti altri Vescovi. In quella republica nemica ad ogni pompa e fasto esteriore, e dove carozze, servitori, &c., scandalizzerebbero e catholici e protestanti, mi bastavano alla N. York 500 scudi per anno per vivere honestamente, benche avessi più spese del Archivescovo [*as administrator of the diocese*]. Negli Stati Uniti c'e pochissima differenza tra il mantenimento d'un Archivescovo e d'un semplice sacerdote, perche l'ispirito della nazione Americana richiede una grandissima semplicita nel vestire, vivere, &c. (*Ibid.*, 6, iv.; *Libellus Supplex*, ff. 3^{v}, 3). *Cf. C. Neale's stricture*, No. 124, B, *ad* (17).

Thus the retributiones, *seemingly criticized by Marechal in this Proposition 9, 6°, are represented by Kohlmann as the very fund to which the archbishop's attention should have been turned, instead of demanding landed property or a pension from a religious Order. And it was on this fund that, forty years later, the Second Plenary Council of Baltimore (1866) threw the burden of an episcopal mensa in every diocese:* § 100. Demum, cum aequum plane sit ac justum, ut fideles omnes uniuscujusque Dioeceseos congruae contribuant sustentationi Episcopi, qui omnium gerit sollicitudinem, censuerunt Patres hac de re pertractandum in Dioecesanis Synodis, in quibus, collatis inter se consiliis, sacerdotes curam habentes animarum conveniant de certa pensione Ordinario quotannis tribuenda, quae ex portione singularum ecclesiarum reddituum determinata coalescat. Ejusmodi autem adsignatio vel distributio, cum fuerit ab Ordinario recognita ac probata, ceu lex Dioecesana ab omnibus servanda evulgabitur. (Concilii Plenarii Baltimorensis II. Acta et Decreta, tit. iii., cap. II., De Episcopis, No. 100.)

saeculares, qui nullum aliud medium habent sustentandi vitam, in omnibus missionibus sedilia in ecclesiis erexerunt et ea locant fidelibus.

10. Maximae divitiae P. Jesuitarum paupertati archiepiscopi Baltimorensis comparatae. [*Contrast betwixt the rich Jesuits and the poor archbishop.*]

Oro supplex Eminentissimos Patres ut attendant ad hanc omnis generis bonorum multitudinem, et confido quod ultro agnoscent veritatem meae propositionis, nempe: Etiam si P. Jesuitae realiter 35,000 scutata deberent, tamen merito dicendi sunt non solum divites, sed ditissimi.[31]

Quod si pauperes dici possunt tot et tanta bona possidentes, quid dicendum erit de archiepiscopo Baltimorensi qui non duo jugera terrae possidet, non unum equum, non unam ovem, non hortulum habet, quem incredibilibus artibus spoliare tentant redditibus suae sedi annexis tempore quo erecta fuit; adeo ut nunc vix habeat annualem pecuniae summam ad solvendas expensas multitudinis epistolarum quae ad ipsum ex variis orbis partibus diriguntur?

11. Baltis archiepiscopi jura impugnant sub paupertatis praetextu, et episcopo Bostoniensi olim Jesuitae bona Baltim. dioecesis transferre laborant. [*The Jesuits endeavour to give property of the Baltimore diocese to the Bishop of Boston, an ex-Jesuit.*]

Unum factum hic adjiciam de praetensa P. Jesuitarum in Marylandia paupertate:

Ill^mus DD. England, postquam Ill^mum DD. Benedictum Fenwick episcopum Bostoniensem consecraverim, eum Bostonium comitatus est. Porro revertens Baltimorem mihi retulit DD^um Fenwick a Corporatione Marylandiensi obtinuisse ut ipsi dono donarent insulam S^ti Georgii quae sua amplitudine, situ, etc., etc., etc., est certe maximi valoris. Addidit D. England epistolam fuisse scriptam ad P. Fortis ut sua sanctione hoc donum approbet.[32] Mirum certe quod pauperes sint ubi agitur de solvendis redditibus sedi Baltimorensi debitis, et quod sint tamen sat divites ut episcopo Bostoniensi transmittere possint amplam terrae quantitatem, idque extra Marylandiam, et consequenter contra mentem piorum donatorum qui ecclesiae Marylandiensi consecrarunt bona quorum P. Jesuitae habent administrationem.

St. George's Island.

[31] *In Father George Hunter's time, when the estates were better managed, the total income was £696 sterling* (No. 97, p. 337). *This would come to about £1153 currency. There were then fifteen missionaries in Maryland (besides three in Pennsylvania), who on this income maintained themselves, as well as their central missions and the secondary church stations in their districts, with all the charges of Divine worship. In the time of Marechal, with estates badly managed* (Nos. 110, E–G; 114), *and not more extensive than in Hunter's time, there were seventy-eight members (six of them in Pennsylvania), with a boarding-college at Georgetown and a day-school at Washington, neither of these being endowed, and the latter, under orders from the General, being now prohibited from receiving any pension for tuition.* (*Catalogues; and General Archives S.J.*, Epist., R. P. N. Fortis, L. I., P. 1, No. 197; *General, 7 Nov., 1823, to Francis Neale, Superior pro tem., forbidding absolutely the acceptance of a minervale, or pension for mere tuition. The same absolute order was issued to the Provincial of England; ibid.*, L. II., P. 1, No. 390; *General, 15 Oct., 1824, to Father Sewall.*)

[32] *The General, in a letter dated 17 Dec., 1825, rejected Bishop Fenwick's proposition of exchanging some Georgetown property for St. George's Island.* (*General Archives S.J.*, Epist. R. P. N., A. Fortis, L. III., P. 1, No. 693.) *Both Father Dzierozynski, Superior of the Mission, and Father Kohlmann had discountenanced the project. In Bishop Fenwick's letter, 28 Sept., 1825, to the General, there was no mention of a "gift."* (*Ibid., Maryl. Epist.*, 3, vi.)

Ostendendi nunc mihi incumbit necessitas falsitatem quorumdam factorum, quae S^ae^ Congregationi P. Jesuitae exhibuerunt ad probandam suam praetensam paupertatem.

1º Asserunt paupertate pressos coactos fuisse mittere Romam suos scholasticos. Nullatenus timeo dicere illud omnino esse falsum.

12. Scholastici non missi sunt Romam ratione paupertatis. [*The Scholastics not sent to Rome on account of poverty.*]

Septem circiter abhinc annis P. Grassi, qui nunc Turino commoratur, mecum amice confabulans lamentabatur de morali impossibilitate quam experiebatur in efformandis junioribus membris Societatis secundum spiritum sancti sui instituti, quamdiu prae oculis haberent prava exempla antiquorum Americanorum Jesuitarum. Quod ut grave malum everteret, mihi dixit se intendere omnes illos juvenes Romam mittere, sicut revera eo misit.[33] Non minimam de paupertate querelam emisit. Nec mirum: tunc temporis florescebat temporalis administratio Societatis; collegium Georgiopolitanum convictorum multitudine replebatur.

Hoc est verum motivum, Eminentissimi Patres, quo ductus P. Grassi Romam misit suos scholasticos, non paupertas quam nuperrime finxerunt aut saltem enormiter magnificarunt, ut se subtraherent ab executione brevis Pii VII.

13. Probationis domus non dissoluta mera paupertatis causa, sed multo magis ratione dissentionum quibus agitatur Societas. [*The novitiate not closed on account of poverty, but on account of dissensions.*]

2º Neque coacti sunt dissolvere domum probationis, paupertatis causa tantum. Haec dissolutio alio gravissimo motivo adscribenda est praecipue:

Videlicet ex quo Jesuitae Russiaci et Belgae huc advenerunt, magnum et quidem publicum extitit dissidium inter eos et Americanos Jesuitas. Istos extraneos fratres Americani ab initio judicarunt tanquam nostris missionibus minime idoneos, tum propter rusticos eorum mores, tum propter barbarum eorum loquendi modum. Eos pacifice videre non poterant, alio motivo ducti; nempe isti Jesuitae extranei virtutes, quae decent viros religiosos, colere videbantur, dum Americani jugum sui sancti instituti jamdiu excusserant aperte.

Interea evenit ut unus ex istis extraneis Jesuitis, nomine Ant. Kohlmann, et qui nunc in collegio Romano residet, scripserit circularem epistolam quae in Belgio fuit impressa, in qua invitabat suae provinciae juniores clericos ut in Americam venirent et se consecrarent ejus missionibus.

Novem seminaristae, hac epistola inflammati, e seminario Mecklinensi secreto aufugerunt et Baltimori appulerunt anno 1821. Septem eorum collegium Georgiopolitanum adiere. Eos omnes benigne recepit P.

[33] *Father Peter Kenney, Visitor, sent the party of six scholastics to Rome, 1820, Father Grassi being already in Italy since 1817. Messrs. Neill and Barber had been sent in the time of Grassi, and had returned. Mr. Young had accompanied Grassi to Rome in 1817, and Mr. Vespre of Lyons had of himself chosen to go thither on entering the Society in 1819.*

Kohlmann. Verum Americani Jesuitae irati sunt valde. Idem P. Kohlmann eos misit White Marsh et ipsorum religiosam educationem duobus Belgis sacerdotibus, qui hic morabantur, commisit. Quod cum viderent Americani Jesuitae bonorum Corporationis administratores, non solum eorum sustentationi providere recusarunt, sed etiam urgere ut dimitterentur continuo laborarunt.

Dum flagraret haec dissentio, DD. Dubourg Novae Aureliae episcopus Washingtonem visitavit, atque certior factus malevolentiae qua Americani Jesuitae istos extraneos prosequebantur, P. Carolum Neale Americanum et tunc Superiorem Societatis clam adiit malis artibus quae huic episcopo familiares sunt, eum induxit ut virtute obedientiae mandaret illis Belgis ut in Statu Missouriensi migrarent. Ad tegendam infamiam hujusce secretae negotiationis, DD. Dubourg circulares epistolas ubique misit, declarans se intendere incumbere conversioni sylvestrium hominum; atque sub hoc vano praetextu quaestores iterum misit Europam ut eleemosynas colligerent. Vix haec negotia peractus[!],[3] cum tum ipsius cathedralis ecclesia, tum domus et collegium publice a suis creditoribus venderentur,[35] fugit novam Aureliam.

The Belgian novices. Bishop Dubourg and his arts.

[34] *J. G. Shea*, History of the Catholic Church in the U.S., iii. 88, 89: *March, 1823.*

[35] *Ibid.*, iii. 384: *1822. Similar accounts of Mgr. Dubourg appear at large in Marechal's correspondence during these years with the Propaganda and Dr. Gradwell in Rome. The rectification of the story, as far as it concerns the Jesuit colony to Missouri, may be seen partly infra in* Section VI. (Nos. 194-6), *but more fully in a later part of the History.*

Kohlmann, in his Osservazioni sopra la risposta di M. Marechal, *contents himself here with two observations. First, not only were the Scholastics sent to Rome for want of means to support them in Maryland, but their board had never been paid for yet by the Maryland Jesuits, in spite of repeated demands from the Italian procurator—a fact we see very plainly in various documents during some six years or more. The support of six scholastics in Italy was at the rate of 10 scudi per month. As early as 1 Jan., 1824, Adam Marshall, procurator, put the arrears due from Maryland to Rome at $3000. (Md.–N. Y. Province Archives, Father S. Manucci, procurator of the Roman Province, 16 Mar., 1822, to Kohlmann, Superior, Georgetown. Ibid.,* Cc., *Marshall's Statement to Dzierozynski, 1824, p. 4.) Secondly, Kohlmann admits the Americanism alleged, but rebuts the argument; in as much as that phenomenon was twenty years old, and yet had not produced the effects which Marechal ascribes to it here for 1823; therefore neither in 1823 was Americanism the cause of dissolving the novitiate:—*

Pag. 21. N. 12–13, marg: Scholasticos ex defectu mediorum Romam missos fuisse probatur ex eo, quod per 6 aut 7 annos, a quo Romam appulerunt, nec obolum solverunt, licet saepius requisiti. Novitiatum autem fuisse suppressum ex defectu mediorum ego testis sum oculatus; nec dissidio inter Americanos et exteros Jesuitas illam suppressionem adscribendam esse patet, quia illa persuasio Americanorum a plusquam 20 annis exstitit, et nihilominus novos novitios exteros semper admisere; nec D[us] Dubourg illi negotio sese immiscuit, nisi cum absolute decretum esset novitiatum dissolvere. (*General Archives S.J., Maryl. Epist.*, 6, iv. S.)

A year and a half before this date, the General had stated to Cardinals Castiglioni and De Gregorio: Il Generale de' Gesuiti. . . II. Più: avendo un credito di circa quattro mila scudi colla detta Corporazione del Maryland, per lo mantenimento in Roma a studio di alquanti giovani Gesuiti, si è contentato di non esigere un soldo, onde diminuire la massa del debito, che ha contratto la Corporazione stessa pel bonifico de' suoi beni temporali, montante a 33,000 mila scudi; e quindi poter più facilmente estinguerlo, e restare senza alcun pretesto per poter soddisfare all'Arcivescovo

Non igitur, uti asseritur, merae paupertatis causa dissoluta est domus probationis, sed praecipue ratione dissentionum Societatis, et praesertim artibus Novae Aureliae episcopi.

3º. Adversarii mei non erubuerunt Sacrae Congregationi asserere praedium White Marsh constituere tertiam partem suorum bonorum.[36] Ad percipiendam vanitatem hujus fabulae sufficit ut Sacra Congregatio inspicere dignetur authenticum quem ad eam mitto catalogum praediorum quae possident. A primo intuitu clare percipiet eos possidere longe ampliora praedia.

14. Falsum omnino White Marsh tertiam partem praediorum P. Jesum constituere. [*White Marsh not the third part of their property.*]

Et quidem tellus White Marsh longe minus est ferax tellure praediorum Bohemiae, Stⁱ Ignatii et Newtown.[37] Haec praedia abunde producunt omnis generis grana, praesertim frumentum. E contra tellus White Marsh adeo arenosa est ut foenum et tabaccum tantum ferre possit. Equidem tabaccum aliquando frumento magis valet; sed tantas expensas et tantos labores requirit ipsius cultura, ut sapientiores agricolae ei anteponant culturam frumenti. Verbi gratia, hoc praesenti anno White Marsh sat magnam quantitatem tabacci produxit; verum anno mox praeterito tabaccum fuit penitus frigore destructum, adeo ut dubium sit an lucrum praesentis anni poterit damnum anni praeteriti compensare.

White Marsh an inferior farm.

Hinc si desideraverim ut sedi Baltimorensi praedium White Marsh annecteretur, illud non desideravi quia tellus White Marsh est feracior et majoris pretii, sed mere quia a Baltimore decem leucis tantum distat, dum praedia Bohemiae, Stⁱ Ignatii, etc. etc., etc., sita sunt prope limites Marylandiae, ac proinde ad tantam distantiam ut vix semel in anno illa visitare posset archiepiscopus Baltimorensis, uti Sacra Congregatio videre potest, si conjiciat oculos in chartam Marylandiae geographicam.

4º. Aliam fabulam finxerunt adversarii, nempe transmissionem praedii White Marsh archiepiscopo Baltimorensi ruinam missionum Societatis fore operaturam.

Haec fabula sua absurditate improbabilitatem aliarum longe superat.

(*General Archives S.J.*, Epist. R. P. N. Al. Fortis, L. II., P. I., Memoria 1ma., *19 June, 1824.*)

[36] *This statement, that his adversaries had affirmed White Marsh to be "one-third of their property," is not in the Memorial, submitted to the Propaganda in the name of the Maryland Jesuits (beginning of August, 1825), and communicated at least in abstract by Card. Della Somaglia to Marechal* (No. 135, *ad* note 2). *The text runs thus:* [II] Now, if in their present embarrassed circumstances they have been obliged to shut up their noviciate and house of studies, and if they be constrained moreover to surrender the estate of White March, which yields nearly two-thirds of their actual income, it is evident that the suppression of the Mission must necessarily ensue, *etc.* (*Cf.* No. 133, A, note 4: Translation from the Italian Memorial presented to the Propaganda in the first days of August, 1825.)

Kohlmann corrects Marechal's error here by observing that it is a question of value, not of extent; and, in another place, he says with more emphasis, that White Marsh "may be considered equal to half of all the Jesuit property:" che puo dirsi equivalere alla metà di tutto il suo avere. (*Ubi supra*, Osservazioni da fare al Papa, § 7.)

[37] *Cf.* No. 121, A, *Marechal's* Brevis Responsiones, Notae, 3º, (2º): Et si objiciatur quod melius sit praedium White Marsh praedio Bohemia, illud sponte agnoscitur.

Quod ut manifestum fiat Sacrae Congregationi hic subjiciam tabellam missionum in quibus laborant Jesuitae :

15. Omnes missiones integrae remanerent, si White Marsh archiepiscopo Balt! transmitteretur. [*All the Jesuit missions would remain intact if the Jesuit mission of White Marsh were given to Marechal.*]

Loca	Missionarii	Praedia
Bohemia	P. L'Epinette	1550 jugera terrae.
S^{t} Inigoes	P. Carbery	3800
Newtown	P. Cary P. Rantzau	750
S^{t} Thomas	P. Neale P. Zocchy [*Sacchi*] P. Combs	5000
White Marsh	P. Mudd	3000
5 praedia	8 Missionarii	14100 jugera.

Praeter hos octo missionarios Jesuitas, sex alii sunt, qui curam animarum habent in parochiis, quique sicuti saeculares missionarii vivunt et quidem affluenter ex redditibus qui his parochiis annectuntur, et proveniunt ex locatione sedilium et juribus stolae. Hi sex missionarii nihil recipiunt a Corporatione Marylandiensi, et quidem ipsius bonis minime indigent.

Hic subjiciam et nomina illorum missionariorum et nomina earum parochiarum, et annualem redditum quem unusquisque percipit :

Missionarii	Parochiae	Redditus
P. Beshter	S^{t} Joannis Balt^{is} [38]	600 scut. per annum praeter jura stolae.
P. Dubuisson P. Serviti [*Smith ?*]	S^{ta} Trinitas, Georgiopoli	1200 scut. praeter jura stolae.
P. Rybey [*Keily*]	S^{t} Patricius, Wash^{ni}	400 scut. praeter jura stolae.
P. M. Ehoy [*McElroy*] P. Walsh	Frederick	700 scut. praeter jura stolae.
6 Missionarii	4 Parochiae	2900 sunt praeter jura stolae.

His praemissis observationibus, supponamus praedium White Marsh transferri archiepiscopo Baltimorensi.

1^{o} Evidens est P. Jesuitas, qui praefatarum parochiarum curam habent, nihil inde detrimenti passuros fore ; si quidem sustentationem percipiunt omnino independentem a redditibus praediorum quae possidet Societas.

2^{o} Pariter evidens est, si White Marsh archiepiscopo Baltimorensi transmitteretur, omnes missionarios remansuros fore possessores

[38] *A German church in Baltimore belonging to the diocese, and served at the request of the archbishop by Father Beschter, S.J.*

praediorum supra enumeratorum, verbi gratia P. L'Espinette, Bohemiae; P. Carbery, S^{ti} Ignatii, etc.

Qua igitur fronte ausi sunt Sacrae Congregationi asserere missiones a patribus Jesuitis occupatas fore perituras, si White Marsh traderetur archiep^{o} Balt^{i} Non solum istis patribus necessaria vitae, sed et superflua abunde remanerent.[39]

Jesuits can live without White Marsh. Bohemia or St. Inigoes as an annex to Baltimore Seminary.

Utinam solum praedium Bohemiae aut S^{ti} Ignatii annecteretur seminario Baltimorensi! Facile possem ex ejus redditibus viginti aut triginta juniores clericos ex eo sustentare.[40]

[39] *Kohlmann, on this Proposition*: Pag. 23, N. 15. Aliam fabulam etc. 1º. Nec illae missiones integrae manerent, nec missio ullo modo posset subsistere, cum absque Novitiis et Scholasticis, qui absque mediis continuari non possent, successio non habeatur. (*Ubi supra, Maryl. Epist.*, 6, iv. S.) *In his draft he adds:* Ex nihilo nihil fit (*Ibid.*). *Without means, there would be no succession; without a succession, the property would lapse*; *as Lancaster, confided at this time to others, eventually did lapse out of the owners' hands. For the policy underlying this Proposition 15, 4º, see infra*, No. 135, B, *seq.* *Cf.* No. 131, note 9.

[40] *On many points of the foregoing, Father Anthony Kohlmann, who had the chief charge of answering this paper of Marechal's, wrote in a hurry from Rome, calling for information.* (*Md.-N.Y. Province Archives*, 90, W, 10:) *Kohlmann, Roman College, 31 May, 1826, to Beschter, Baltimore.* (*Ibid., under date:*) *Beschter, Baltimore, 15 Dec., 1826, to Dzierozynski, sketching the tenor of Kohlmann's queries; he considers Kohlmann to be very* hot. *The queries contain an allusion to the Sulpicians and their connection with Georgetown College* (*cf. supra*, No. 135, note 6). *The letter of Kohlmann begins thus:* I wish your Reverence would be so kind as to forward to me without delay a precise and minute statement of the whole income of your Archbishop, pointing out as exactly as possible: What salary he and each of his coadjutors [*clergy of the cathedral?*] receives. What is the income of his cathedral. What its debt, whether it be in his own hands or the hands of the trustees or the chief creditors. What other property he possesses [*cf.* No. 214, *the Rev. Mr. Whitfield, 5 Feb., 1828, to Gradwell, Rome*]; and what means he might use to get his maintenance and to keep him from starving; for, if we credit him, he is to turn out a beggar before you receive this. 2. *On the Sulpicians and Georgetown, as above.* 3. I would wish to know from R. F. Superior, or procurator of the Corporation: 1º The exact number of acres of land the Corporation now possess. 2º The probable value of an acre upon average. 3º The number of slaves, old and young, men and women, and the average prize of each of them. 4º. What has lost the property lately purchased from Mr. Trelchel [*Threlkeld*] behind the College of G. town. Whether purchasers could be found if even we wished to sell property. 4. What has taken place between ours and the President. 2º About the publication of the Breve of Pius VII. Whether Baxter has been dismissed. Whether Sannen was dismissed or went of himself. Whether it be true that at present we have but 21 or at most 22000 dollars debts in all. What, considering the present disposition of mind of ours, would be the probable result, if ever a new breve were to be issued in favor of the Archbishop. What is the disposition of the public mind on this subject. Whether it be true that the Corporation has given St. George's Island to the RR. Fenwick, Bishop of Boston. Let R. F. Superior, the procurator, your Rev., answer the above queries as soon and as privately as possible. The letters of R. F. Superior arrive, if I mistake not, regularly. Your Rev. might forward yours the same way, or by the packet of N. York direct it to Mr. Gennesseau, rue de Sevres, No. 35, Paris. In the interim, with my best respects to my much esteemed acquaintances, especially the R. gentlemen of B[*altimore*] Seminary and College, and the pious Sisters of Charity, I remain, *etc.* A. Kohlmann, S.J.

Beschter, Baltimore, 15 Dec., 1826, to Dzierozynski: . . . I received a few days ago a letter from Mr. Kohlmann, dated 31st Mai ult., who wishes a speedy answer to a great many questions. *He rehearses several. Other business. On Baxter, who is in N. York, and affirms that he has received his dismissal from the Society. Then, returning to Kohlmann:* He appears very hot in his queries; but, if what the Archbishop told me be true, viz. that the Gl. [*General*] suspected we Americans would

De praetensa oppositione regiminis et legum Americanae Reipublicae.

16. Falsum est quod Ill. J. Adams vel ullum verbum vel ullam syllabam scripserit contra executionem brevis Pie VII. [*Mr. Adams never wrote anything against the execution of the Brief of Pius VII.*]

1º Adversarii Sacrae Congregationi affirmare non timuerunt excellentissimum praesidem Joannem Adams te reprehendisse cum primum brevis s. m. Pii VII. executionem a PP. Societatis Jesu postulasti; praeterito anno te ab eodem praeside monitum fuisse ut desisteres a petitione tua. Haec sunt verba ex Eminentiae Tuae epistola excerpta. Haec assertio est omnino falsa; ac timeo valde, quicumque sit qui illud asseruerit, ne voluntarium protulerit mendacium.

The American Government. Seven Propositions.

Coram Deo testificor me numquam vidisse Em. J. Adams; numquam eum ad me scripsisse vel unam lineam; a fortiori me nunquam monuisse ut desisterem ab executione brevis Pii VII., et multo minus me ob hanc causam reprehendisse. Dum essem Washingtoni, saepe fui invitatus a pluribus ut eum visitarem, sed cum aperte socinianam impietatem profitetur constanter evitavi ullam cum ipso contrahere amicitiae necessitudinem.

not come to terms, he contracted with the Propaganda for paying to her [*the Propaganda*] the some of a pension which it [*the Propaganda*] is to pay him [*Marechal*], and when I asked him how much, he said: That I will not tell you, ha! ha! ha!—if so, then the answers to the Queres would be useless. But, as I know not what to answer for the Society, nor the Sulpicians, I believe I better let it alone, unless your Rev. should think otherwise, and inform me of it.

As to the Sulpicians during these years, they were in very much the same predicament as the Jesuits, except that, besides the Ordinary of Baltimore, they had also the Ordinary of Quebec to reckon with. Cf. Marechal, Baltimore, 12 Nov., 1824, to Gradwell, Rome: Mgr. de Quebec, peu après mon retour de Rome, m'a ecrit au sujet des différens qu'il a avec le séminaire de Montreal. Comme il ne m'en parle plus, je présume qu'ils sont terminés. Vraisemblablement la cathedrale qu'on bati[t] dans cette ville mettra fin a toute dispute. (*English College Archives, Gradwell Collections, Baltimore and Quebec, f. 148.*)

Beschter alludes at times to both issues. (Md.-N. Y. Province Archives, under date:) Beschter, Baltimore, 6 July, 1824, to Dzierozynski. A complimentary visit to the archbishop after his return from St. Inigoes (whither the Superior, Dzierozynski, had gone to meet him). The archbishop reciprocated Beschter's compliment the same day: During our conversation, I asked him if he had made peace with the Jesuits. He said, No; he had not spoken a word of his affairs; that he was very easy about that. Rome has it in hands, and that is enough; they will do justice.—After some time talking what was said and done when he was in Rome, I said: But there is no question about what was said at that time; the matter is better understood now, I said. Oh, said he, the Pope will not pronounce by himself; but he will urge the General to bring the affair to an end. Then he said, if I was a layman, I should soon have an end of it. He then expressed his opinion against any body of priests: "Les Corps dans un diocèse peuvent faire beaucoup de mal; les prêtres seculiers, il est vrai, peuvent occasionner des troubles; mais les Corps sont encore plus dangereux." He and Mr. Whitfield have also expressed their opinion that the Sovereign Pontiff has the power to dispose of St. Mary's College here [*the Sulpician property*]. This has greatly indisposed some of them; but they keep it secret. One of them has said to me a few days ago: "Nous sommes obligés d'entendre dire à notre barbe, que le Pape avoit le droit de disposer de notre propriété." It appears that he wishes to get freed or rid of them. I hear these things, sed secretum meum mihi. *Then on Levins, and his dismissal, etc.*

For the rest of this episode, as relating to the controversy of Marechal with the Jesuits, see No. 139, B–O.

17. Quidam Jesuitae secreto eum adierunt et calumniantes decretum S. P., conati sunt eum excitare contra executionem brevis. [*Some Jesuits secretly tried to excite Adams against the Brief, which they misrepresented calumniously.*]

Sed factum est aeque certum et scandalosum quosdam Jesuitas, quorum scholam frequentabat domini J. Adams filius, eum secreto adiisse et calumniantes breve Pii VII. illum excitavisse ut ejus executioni se opponeret, saltem scribendo minacem epistolam Em^mo^ Cardinali Consalvi.

Haec opera tenebrarum ignota mihi remansissent si divina providentia singulari beneficio ea non mihi manifesta fecisset. Videlicet sacerdos sua pietate et doctrina insignis quindecim circiter ab hinc mensibus, visitavit collegium Georgiopolitanum et ab uno membro Societatis sibi conjunctissimo didicit, quosdam patres pluries adiisse D^m^ J. Adams, status tum secretarium, atque ut sese subtraherent ab executione brevis Pii VII. strenue ipsum urgere ut, quantum in se esset, sese ei opponeret aut saltem epistolam scriberet Em^mo^ Cardinali Consalvi contra executionem brevis. Ut majorem facti certitudinem obtinerem et statim, scripsi confidentialem ac privatam litteram D^o^ Danieli Brent, a multis annis meo amico, qui principali officio fungitur dans le Bureau des Affaires Etrangeres.

The letter of D. Brent to Marechal.

Statim privatam ad me rescripsit epistolam qua me certiorem fecit quosdam Jesuitas revera D^um^ Adams adiisse et excitasse contra executionem brevis; in eaque exponit quasdam ex subtilibus rationibus quibus usi sunt ad illudendum D^o^ Adams (misi autographum ad Sacram Congregationem).[41] Attamen ego, timens ne meorum adversariorum insidiosa argumenta mentem D^i^ Adams afficeret in damnum venerationis S^ae^ Sedi debitae, amplum misi ad D. Brent memoriale a celeberrimo legisperito scriptum, in quo hoc argumentum luculenter confutatur.[42] Utrum D^us^ Brent illud communicaverit D^no^ Adams necne, prorsus nescio. Sed certum est epistolam, quam isti Patres ab eo surripere conati sunt, [*eum*] numquam scripsisse.

18. Ludibrio breve S. P. in diariis exhibuere. [*Publication of the Brief in the newspapers, exposing it to derision.*]

Vix hae secretae machinationes dissipatae erant, cum adversarii tentarunt odium coecae plebis excitare contra Sanctam Sedem. Quod ut consequerentur, in uno ex diariis Washingtonis, quod per totam nostram rempublicam legitur,

[41] No. 206. *Brent's reply* (*24 Oct., 1824*) *contains nothing to the purport:* Quosdam Jesuitas revera D^um^ Adams adiisse. *After two more letters, one of Marechal to Brent, the other of Brent to Marechal* (No. 207, *25 Oct., 20 Dec.*), *the latter writes again, 29 Dec., 1824, saying:* I do not know any one of those who applied to our Executive; *and he asks for their names* (No. 207). *The information, so desired, seems to be contained in George E. Ironside's letter, from the Department of State, Washington, 16 Dec., 1825, to the General of the Society, Rome:* I have the promise of the President of the United States that he will remonstrate with the Government of the Holy See, should any step be taken from that quarter to wrest from any of our citizens their property (No. 207). *Probably it is from this letter of Ironside's that Kohlmann makes a similar statement in his* Osservazioni da fare al Papa, § 8: Questa solenne protesta e stata iterata dal medesimo [*Sign. Adams*], dopo esser electo presidente (*General Archives S.J., Maryl. Epist.*, 6, iv. R. § 8).

[42] No. 207. *This seems to be the paper of Taney and Scott, quoted again by him, infra*, Prop. 21.

breve Pii VII. cum Anglica translatione ediderunt, praemissa impia observatione: Si executio brevis Pii VII. permitteretur, nullam amplius securitatem esse civibus Americanis bonorum suorum, siquidem a nutu Summi Pontificis exinde penderent. Verum haec nefanda transactio in ipsorum opprobrium versa est. Tantus fuit horror catholicorum omnium et protestantium, qui aliquem sensum honoris humani retinent, ut tres Jesuitae, qui dicebantur hujus facinoris authores, ex Marylandia fugere coacti fuerint. P. Adams Marshal procurator Corporationis bellicam navem Americanam, quae dicitur North Carolina, ascendit, nautarum factus ludimagister; prope Gibraltar fluxu sanguinis misere periit sicuti misere vixerat. P. Baxter Angliam petiit. P. Nerius [*Levins*] Neoeboraci nunc commoratur, ubi non ita pridem epistolam contra Jesuitas fratres suos edidit in Gazetta Truth Teller, sub fictitio nomine Hights of Georgetown, in qua exhibet quosdam inter eos tanquam vindictae, hypocrisi ac ebrietati deditos.[43]

Three Jesuits had to fly.

19. Nullus civis Americanus, sive protestans sive catholicus, obstaculum opposuit executioni brevis Pii VII. [*No American Protestant or Catholic opposed the execution of the Brief.*]

2° Tandem, inquit Em^a Tua, adversarii mei affirmant se non posse ullum mihi fundum cedere neque vel ullam pensionem annualem solvere, quin periculo exponantur amittendi jus civitatis per [!] omnia bona sua quae publice venderentur, se fore traducendos tanquam legum infractores, etc., etc., etc.

Sacrae Congregationi possum sine ulla haesitatione asseverare P. Jesuitas Marylandienses posse exequi breve Pii VII. eadem prorsus cum facilitate ac securitate, qua dux Torloniae potest Romae civi Romano unam ex suis villis transmittere aut ei annualem pensionem solvere.

20. Hoc facinore quidam Jesuitae rei sunt. [*Some Jesuits committed this crime.*]

Quis civis Americanus, sive protestans sive catholicus, quis magistratus, quis judex ullum unquam verbum protulit contra breve Pii VII.? Nullus omnino. Et, si per paucas hebdomadas ullus timor animos invaserit, quis hunc timorem excitavit? Nonne ipsimet P. Jesuitae qui, adeuntes secreto D^num Adams, eum sollicitarunt ut sese opponeret executioni brevis Pii VII.? Quis tentavit excitare coecam plebem contra judicium Sanctae Sedis? Certe nemo, nisi mei adversarii. Idque non gratuito affirmo. Misi ad S. Congregationem tum epistolam ipsam D^ni Brent, tum diarium Washingtonis, in quibus continentur irrefragabilia testimonia hujus veritatis. Soli P. Jesuitae oppositionem brevi Pii VII. excitare tentarunt, et, si aliqua unquam fiat oppositio, ex ipsorum machinationibus proveniet.

Atque, quamvis illud sit certissimum omnibus qui vel e limine civilia

[43] No. 133, A, note 3. *The departure of these three Jesuits from Maryland, with the immediate dismissal of one, Levins, was occasioned by other causes, as will appear in the History. As to the appreciation here expressed of Adam Marshall, see a similar one given of John Ashton*, No. 117, C, p. 427.

nostra tribunalia salutaverint, attamen ad depellendum omne dubium quod in mente Em^rum Patrum circa illud factum remanere posset, adii duos viros scientia legum, aeque ac sua prudentia et integritate, apud nos celeberrimos, videlicet: clarissimum R. B. Taney qui inter juris peritos nostros longe eminet, quique per plures annos honorabili officio senatoris in legislatura Marylandiensi functus est, et Joannem Scott qui nunc est membrum senatus Marylandiensis et in scientia legum nostrarum peritissimus. Illis duobus praestantibus viris proposui subsequentem quaestionem: An corporatio Marylandiensis cleri, quae nunc constat tantum Jesuitis, posset sine infractione nostrarum legum aut oppositione regiminis nostri mihi vel transmittere praedium White Marsh vel saltem mihi solvere annuam pensionem quae constanter fuit meis ven. praedecessoribus soluta, ex quo erecta fuit sedes Baltimorensis. Inclusam mitto ad S. Congregationem eorum authenticam responsionem (N° 2),[44] secundum desiderium in Em^ae tuae ultima epistola expressum, quod responsa mea congruentibus documentis confirmem. Neque id mihi onerosum aliquando fuit. Constanter namque omnia facta quae S^ae Congregationi obtuli, quaeque erant alicujus momenti, documentis confirmavi;[45] idque ab epistolis Card. Gabrielli [*Antonelli*] et doctoris Carroll, quando inter eos agitata fuit quaestio de erigenda sede Baltimorensis; usque ad epistolas D. Brent et diarium Washingtonis,

21. P. Jesuitae possunt secure transmittere quod arch^o Balt^i debent. [*The Jesuits can without danger hand over to Marechal what they owe.*]

R. B. Taney. Jo. Scott.

22. Testimonium duorum senatorum de hac veritate. [*The witness of two senators to this truth.*]

Marechal and authentic documents.

[44] No. 207. *Ibid.*, *D. Brent's estimate of the same.*

[45] *As to documents, the absence of which in Marechal's correspondence makes it an arduous task for the historian to gauge his accuracy, it may be noted here, since he does allude to the subject, that in this paper of the Twenty-three Propositions, there are four documents offered to the Propaganda, or cited. One is the Declaration of Walton and the other ex-Jesuit Trustees, which he says was copied from the Annapolis Records; and he calls it No. 1* (*supra*, § 6). *Two others are letters of Mr. Daniel Brent, previously communicated* (Nos. 131, 1; 132, *ad init.*; *cf.* No. 206, *Brent, Washington, 24 Oct., 1824, to Marechal;* No. 207, *the same to same, 20 Dec., 1824*). *A fourth is the joint opinion rendered by Taney and Scott, on the state of the question as put by Marechal; which he calls here No. 2* (*cf.* No. 207, *Roger B. Taney and John Scott,* 11 Jan., 1826 [!]). *A newspaper which he sent, containing a translation of the Brief by an unknown hand, may or may not be considered a document* (No. 132, *ad init.*). *On the other hand, in this one paper of the Propositions, there are over thirty allegations* alicujus momenti, *affirmative or negative, on other people's affairs and not to their credit. Neither in the Propaganda printed* Sommario, *nor in the English College copy, is there any trace of a document being alluded to, in proof of the said allegations. In all the rest of his voluminous papers we find three other authorities alluded to in the present controversy: Mertz* (No. 119, note 4), *Dubois* (No. 119, [IX.]), *and the good people of Deer Creek with their certificates* (No. 89). *On the other hand we find him twice protesting that he is not to be called upon for authentic papers: in the case of Deer Creek* (No. 89, A. i), *and in the matter of laying a basis for this controversy* (No. 116, C, p. 409; *Marechal, Rome, 28 Jan., 1822, to the General*).

As to Carroll's authority for Marechal's claims, the degree of relationship between the minds of the first and third Archbishops of Baltimore has been seen with sufficient distinctness in the course of these Documents passim, to determine the grade of affinity. Cf. infra, No. 178, *Carroll's statements on the Jesuit property titles.*

quibus evidentur probatur quosdam P. Jesuitas excitasse tum Ill^mum^ Adams tum coecam plebem contra authoritatem Pii VII. Utinam eamdem regulam S. Congregatio imposuisset meis adversariis! Tot fabulis non conati fuissent Em^mis^ Patribus illudere, atque infelix una cum ipsis controversia jamdiu terminata fuisset. Sed nunc percipio veritatem sententiae quam ven. mem. Card. Fontana ad me direxit paucis diebus antequam ad meliorem vitam transiret. Etenim cum hunc sanctum atque optimum virum deprecarer ut, quantum in se esset, urgeret meae controversiae conclusionem, et sic possem cito regredi in meam dioecesim, mihi respondit: Monseigneur, votre cause est très juste; mais je crains beaucoup qu'elle ne soit pas sitot terminée. Ce n'est pas, je vous l'assure, une petite affaire d'avoir cinquante Jesuites sur le dos.

The Jesuits and fables.

Gloriantur mei adversarii se nunc Romae habere amicos potentissimos neque timere archiepiscopum Baltimorensem. Verum, quantacumque potentia fruantur, confido Em^os^ Patres sufficientem habere animi magnanimitatem, ut non teneantur a proferendo justa judicia et ab eis exequendis.

23. Practicae conclusiones. [*Practical conclusions.*]

Sed huic epistolae finis est imponendus et descendendum est ad practicas conclusiones.

1^um^ medium promptum, facile, et efficax prae manibus habet S. Congregatio terminandi controversiam; videlicet subducantur 1000 scutata a 12,000 quae P. Jesuitis a Sancta Sede annuatim solvuntur, et haec 1000 scutata ad me mittantur singulis annis, quamdiu Jesuitae Marylandienses denegabunt suscipere obligationem mihi solvendi hanc annualem summam.[46] Hoc semel statuto, tunc P. Fortis, et ejus consiliarii simul et P. Jesuitae Marylandienses cito communi consilio ac voluntate omnem erga me justitiam adimplebunt.

Abstract 1000 scudi a year from the Roman College funds for Marechal.

Secundum medium est ut P. Fortis mandet Jesuitis administratoribus Corporationis Marylandiensis ut suscipiant obligationem mihi solvendi annuatim 1000 scutata, idque sub poena exclusionis a Societate ipso facto incurrendae, postpositisque quibuscumque argumentis et reclamationibus.

Tertium medium, ut P. Fortis jubeat eos sub eadem poena ad me transmittere praedium White Marsh.

Verum, etsi Jesuitae Marylandienses aeque valide et secure mihi transmittere possunt praedium White Marsh, ac dux Torloniae posset Romae unam e villis suis, attamen hoc negotium, considerata

[46] *The attempt on the Roman College funds had been suggested by Gradwell to Marechal (2 Jan., 1825), two months after that institution, which was restored to the Society in January, 1824, had been opened in November of the same year. See* No. 208. *As to the significance of this suggestion, it meant the abstracting of the entire yearly maintenance, necessary for twelve out of the twenty-seven Jesuit professors, who manned this foreign university. See* No. 208, *Fortis, Jan., 1824, to the commission of Cardinals,* Specchio dei soggetti necessarj . . . al Coll^o^ Rom^no^, *etc.*

meorum adversariorum perversa mente, posset variis difficultatibus impediri. Namque 1º rumor vagatur eos fictitio creditori concessisse secreto hypothecam in White Marsh aequalem hujus praedii valori. Unde creditor ille fictitius, juxta pactum secreto initum cum meis adversariis, potest impedire praedii transmissionem ad eorum nutum. 2º Sicuti mei adversarii secreto excitare tentarunt Excell^mum D. Adams contra executionem brevis Pii VII., fieri posset ut similiter secreto excitarent quemdam oratorem, ecclesiae catholicae inimicum, ut in nationali conventu contra idem breve declamaret et proponeret condere famosam legem, quae apud Anglos dicitur praemunire; atque, etsi nullum sit periculum talem legem aliquando condi posse, saltem vel ipsius propositio maximum scandalum excitaret. Hinc prudentia mihi videtur postulare ut transmissio praedii White Marsh differatur, quoadusque Jesuitae qui spiritum S^ti Ignatii habent praesentibus sufficiantur.

Jesuit intrigues make White Marsh undesirable.

S^ae Congregationis momentosum officium est nunc pronunciare, utrum sedes Baltimorensis redditibus, quibus a tempore quo fundata fuit gavisa est, penitus fraudabitur, necne; seu, quod idem est, utrum haec sedes computanda amplius erit in catalogo sedium orbis catholici, seu utrum ab eo delenda sit.

The question now is: Shall the see of Baltimore be blotted out from the sees of the world?

Interim Deum summe misericordem deprecor ut ad multos annos Tuam Em^am servet incolumem.

\+ Amb. Arch. Balt.

Em^mo ac Ill^mo Card. Somalia.

P. P. S^ae Congr^is P. F., Baltimori, die 15^a Januarii 1826.[47]

Rome, English College Archives, as above; ff. 190, *seqq.*; *a copy.—Propaganda Archives*, Acta, 1826 (Baltimori), Sommario, Num. VIII., ff. 260, *seqq.*

The policy referred to in connection with Proposition 15, 4º, on interrupting the succession of the Jesuit Mission, may be illustrated by the correspondence of the time. In that Proposition it assumed the form of regarding Jesuits as individuals separate from the body, and of separating the income of their farms from the support of the Mission as a whole. It was pursued by Marechal in many ways, both directly and indirectly, both by implication and by open statement, and through the double avenue of jurisdiction over them in the ministry and of measures with regard to their property, which, in the last instance, would lapse to him as sacred property derelict.

[47] *The effect of this paper seems to have been nil. Cf.* No. 211, *Gradwell, Rome, 18 June, 1826, to Marechal:* My Lord. In my letter at Easter I informed your Grace of the arrival of your long and able defence against the interminable replies and rejoinders of the Jesuits, and my conviction that that if anything, would bring the dispute, which has now lasted above four years, to a conclusion. Si Pergama dextra. . . . The new Ponenza. . . .

Directly, he demanded for himself their White Marsh and Deer Creek estates; and in the last paragraph of Proposition 15, 4°, he intimated that he should be happy to have St. Inigoes or Bohemia. In fact, the present controversy had started with his claim that all the property in the hands of Jesuits belonged to the clergy of Maryland.

He asked of the Propaganda, as a matter of right, whether he could not install secular priests in the Jesuit houses and churches, without regard to the Jesuit owners (No. 120, Quaestiones, 5ª). *He complained to Card. Della Somaglia that, if the Jesuits were invested with sacred property, he could not institute as a pastor on such property any priest of his own choosing, except with the permission of the Jesuit Superior* (No. 139, A, *ad fin.*).

Indirectly, the same policy began to appear from the beginning of Mgr. Marechal's episcopate; and then, when his hostility to the Fathers became pronounced, it operated in many lines, as the following documents will instance.

Marechal's policy. 1818–1827.

B. 1818, (January) 7.

Marechal, Baltimore, 7th, 1818, to (A. Kohlmann, Superior).

Sends enclosed faculties for Father Van Quickenborne, whom he considers a valuable acquisition to your Society and to the Diocese. *If he, the archbishop, could live beside the College of Georgetown like his predecessor, L. Neale (who resided at the Convent of the Visitation), he could easily arrange matters concerning the changes of pastors, etc.* But, the friendly conversations being impossible at the distance we live, one from another, we must have recourse to writing. Do you wish to remove a member of the Society, who is pastor of a congregation? Then, my Rev. and Dear Father, I beg you earnestly to give me previous notice of your intention. As I most sincerely wish the prosperity of your excellent and holy institute, I am sure I will never oppose any measure that may promote it. But, if the Fathers who are pastors of souls are removed without my previous knowledge and previous consent, it is manifest that I can no longer administer the Diocese, and that I am obvious to many serious difficulties.

Already some secular priests have left the posts assigned them; many regulars have been or were about to be removed without my having the least information of it. *Mr. McCarroll (not a Jesuit) asked to be removed from St. Mary's. The archbishop at last assented; and lo! Rantzau (a Jesuit) was removed from Newtown; so that, between the two, a number of Catholics were left destitute. Marechal approves of Van Vechel (then a Jesuit) for Port Tobacco; and of Cary (a Jesuit) for White Marsh, though*

he should prefer the latter to go to Richmond (Virginia). Report says that Father Grassi is going to start from Italy for America. Marechal hopes that he will bring with him a dozen new men.[48]

C. 1818–1826.

Marechal's first report, 1818, to Card. Litta, Prefect of the Propaganda, on the state of the Baltimore diocese (No. 190); *and letter to Card. Della Somaglia, 26 Nov., 1826, on* simplices missionarii (No. 139, A).

Attached to the report of 1818, Mgr. Marechal submits a "List of Priests in the Diocese of Baltimore, 1818." He distinguishes rather elaborately the fifty-four priests (including eight Sulpicians) into categories by nationalities; but he implies no distinction between the eighteen Jesuits, members of a regular Order, and the thirty-six others. All rank merely as the title purports: Catalogus Sacerdotum in Dioecesi Baltimorensi, 1818.

Marechal, 26 Nov., 1826, to Card. Della Somaglia, Prefect of the Propaganda (No. 139, A).

He begins by reasoning from a major proposition about simplices missionarii (*not regulars*), *and about diocesan property* (*cf.* No. 121, A, II., note 4) *in the hands of such* simplices missionarii, *to a conclusion about Jesuits, as if they were* simplices missionarii, *not regulars, and as if their property were diocesan and not their own. He omits stating the minor proposition, that regulars are seculars.*

D. 1822–1824.

The case of St. Patrick's, Washington.

Marechal made various demands for Jesuits to fill places with the secular clergy, in a condition dependant upon the latter. About the Jesuit Dubuisson, whom he "gave" as a vicar to the Rev. Mr. Matthews at St. Patrick's, Washington, he informed the Propaganda: Je lui [*Matthews*] representai, pour calmer ses craintes, que ce jeune religieux, étant par son office dans un état de dépendance de lui, il n'avoit pas un raisonnable sujet de crainte, qu'il s'emparât de son église (No. 119, [XL] pp. 456, 457).

E. 1823.

The case of Fredericktown.

The Jesuit McElroy, in charge of that Jesuit station, desired an assistant. The Superior, Dzierozynski, had the young Father Smith ready, and asked Marechal for facultics. Two letters remained unanswered. At length, the

[48] *As to the distribution of men among the missions, confided permanently to the care of the Fathers, see the L. Neale-Grassi Concordat, 3 Apr., 1816, which leaves with the Jesuit Superior the entire responsibility of supplying all the stations, whether by means of Jesuits or non-Jesuits; and stipulates, in the last place, that, if no provision whatever can be made by him, then notice is to be given to the Ordinary, and concurrent action to be taken in the emergency. See text of Concordat,* No. 189. *Cf.* No. 119, note 30, *the same text, as of an executed contract, commented upon by Rev. W. Matthews and Father Enoch Fenwick.*

faculties were refused, because the prelate had destined another for that place, and it would be a slight upon himself if his arrangement was not honoured by acceptance. He insisted that the Superior should assent, and order McElroy to accept the said person (Marechal, 30 Dec., 1823, to Dzierozynski). This was the young ex-Jesuit Pise, who, not being a priest, was hurriedly passed by Marechal through all the major orders, and now was ready. At first, the Superior declined absolutely to admit of the arrangement. Subsequently he yielded, since neither of the young Jesuit priests, Smith and Keily, could obtain faculties from Marechal. However, Pise, once stationed at Frederick, asked to be removed. Whereupon the archbishop, placing him at Emmitsburg, gave him the new church just erected by the Jesuit, Enoch Fenwick, at Liberty, and served by the same from Fredericktown. (Dzierozynski, 18 Jan., 1824, to the General; 20 July, 1825, to the secretary, Korycki; the original correspondence of Marechal, Dzierozynski, and McElroy, 9 Dec., 1824–11 July, 1825.)

F. 1820–1823.

The case of St. Peter's, Washington.

To cut the ground from under the representations about Jesuits appropriating churches, and filling the diocese, Father Kohlmann, Superior of the Mission in 1820, left on record the following note:—

12 July, An. D. 1820.

A Note

respecting the new church built on the Capitol Hill, on the lots granted by Mr. Daniel Carroll of Dud[ry] [*? Duddington, Washington City*].

Kohlmann declines for several reasons to accept the offer made: 1. *He has no priest to spare, who can fulfil the conditions.* 2. *Mr. Carroll and R. Barry have already offered the same church to the archbishop, who by his letter seems to have accepted the offer.* 3. *Mr. Matthews's church (St. Patrick's, Washington) being intended for the Society, the archbishop is manifestly averse to the Jesuits' having all the churches of the metropolis* and the secular clergy none. *Wherefore the Superior has deemed it best to signify the above determination to the archbishop and to Daniel Carroll.*

Signed: Georgetown, 12 July, 1820, Anth. Kohlmann.

Three years later, "the citizens and the parishioners and especially the trustees of that church" (St. Peter's), becoming estranged from the French secular priest, Rev. Mr. Lucas, hinted that they could obtain some one who would serve them on better conditions—"meaning one of the Jesuits," says Dzierozynski to the General; "although," he continues, "the Jesuits never dreamt of having that church, or of accepting it, if it were offered" (18 Jan., 1824). Here ensues a correspondence, equally characteristic of the situation with that of the Smith-Pise-Frederick negotiation.

G. 1823, December 12.

Marechal, 12 Dec., 1823, to Dzierozynski.

+ Mon Reverend Pere,

Je vous envoye les pouvoirs que vous m'avez demandé pour le Rd. G. Sannen. Au premier moment de loisir, je vous ecrirai au sujet des Rds. Smith and Keily. Je n'ai le tems maintenant que de vous assurer de mon respectueux attachement.

+ A. A. B.

P.S.—Supposé que je donnasse des pouvoirs au Revd. P. Keily, votre intention est-elle qu'il les exerce dans la ville de Washington, ou quelque part hors des limites de cette capitale?

At this time, the archbishop did not grant faculties any longer to Jesuits for the whole diocese, but only for some particular parish. Dzierozynski writing to the General (18 Jan., 1824), and explaining why, if he had capable procurators like McElroy and Carbery, yet he could not use them where they are needed, continues: "Even if some could be found, yet this is our misery still, that his Excellency, our Archbishop of Baltimore, prevents the Superior from removing any one from the mission which he serves; and we are almost all of us in a mission, though some of us do remain in the College. He claims that the Superior cannot remove a parish priest or his assistant, under the pretext that the parishes belong to him; although, when moving men, we do not desert the parishes, but substitute at once others equally capable. My consent, he says, and the jurisdiction I give are necessary for one office or another, for one place or another [*cf.* No. 121, K]. *For now, since his return from Rome, he does not give faculties without limiting them to a certain place and parish alone, and not for the whole diocese; and, if any one is to be transferred from one parish to another, even though he be only the assistant, new faculties must be asked for."*

H. 1823, December 30.

Marechal, Baltimore, 30 Dec., 1823, to Dzierozynski.

A long, obscure letter, half on the Smith-Pise-Frederick matter, as above, half on the Keily-Lucas-Washington affair. He concludes, refusing faculties to Keily: ¶ De cette longue lettre Votre Paternité poura conclure, que, si je ne lui envoye pas les facultés quelles demande, cela est du a des circonstances purement exterieures. Je les accorderai aussitot qu'on me les demandera pour un objet distinct et utile a la religion et a la paix de mon diocese.

Je suis avec respect,

Mon Reverend Pere,

+ Amb. Arch. Balt.

J. 1824, January 14.

Marechal, Baltimore, 14 Jan., 1824, to Dzierozynski.

Rev^de Pater,

In ultima tua epistola certiorem me facis D^m Smith [*the Father previously destined by Dzierozynski for Frederick*], si ipsi facultates concedam, a [!] te probabilius fore ad White Marsh missurum. Nam, inquis, R^do Patri Kohlmann alibi brevi indigebo.

Ubinam optimum hunc religiosum brevi mittere intendis, ex hac vaga expressione colligere prorsus impossibile est; atque quamvis confido te, pro tua pietate, nullum unquam consilium fore suscepturum quod bono meae dioeceseos adversatur, attamen prudentia me non sinit cooperari proposito quod a me omnino ignoratur.

Quaero igitur ut benigne velis plane mihi adaperire quaenam futura sit Patris Kohlmann missio. Interim commendo me tuis S. precibus and SS.

+ Amb. Arch. Balt.

This attempt to manage the Society of Jesus as a diocesan institute of Marechal's was thrown into singular relief by a letter, dated at Rome the very same day (14 Jan., 1824). The General of the Society summoned Father Kohlmann to come and fill a post as professor in the Roman College. It also received an offset in the despatching of Father De Theux, S.J., to Missouri. But to this act of Dzierozynski's Marechal objected formally (14 Sept., 1825), citing the clause, nisi antea, *in a certain decree given above* (No. 121, K).

The long letter of Marechal was not clear; and his oral explanations seem not to have been more perspicuous. A few months later, Dzierozynski said of him, after a personal meeting at St. Inigoes (June 15, 1824), that the prelate "did not know what he wanted, or, at least, did not want to explain clearly what the conditions were that he would agree to" (20 July, 1825, Dzierozynski to Korycki). At present, in answer to the long letter, the Superior informed Marechal that he had forbidden all his subjects ever to set foot in St. Peter's church on Capitol hill. But neither was this what the prelate wanted.

K. 1824, January 24.

Marechal, Baltimore, 24 Jan., 1824, to Dzierozynski.

Since Kohlmann is not to be sent out of the diocese, he accords to Rev. Mr. Smith faculties similar to those recently granted to the Rev. Mr. Sannen. He will send the papers as soon as he can.

Dzierozynski has not read attentively the letter which the prelate wrote on the subject of Mr. Keily. He never charged him with seeking à supplanter d'une maniere directe et ouverte le pasteur de St. Pierre. *But he had wanted faculties,* non pour être utile aux pauvres gens de campagne comme il me marquoit, mais pour officier habituellement dans l'église de

St. Patrice [*! Rev. Mr. Matthews' church, Washington*], et rendre ainsi possible à d'autres l'exécution du plan mentionné dans ma lettre.

Et, si vous refléchissez avec attention devant Dieu sur le contenu de cette lettre, vous sentirez, je l'espere, l'inutilité, et j'oserois meme dire l'inconvenance, de deffendre a tous vos sujets du Séminaire de Washington de jamais mettre les pieds dans l'église de St. Pierre, sous prétexte de vous mettre à l'abri d'être accusé de vouloir vous emparer d'une paroisse. Des devoirs de charité remplis à la prierre d'une pasteur ne peuvent jamais donner lieu à une accusation aussi insensée [*cf.* No. 119, [XL]].—Mr. Beschter [*S.J., St. John's German church, Baltimore*] est d'une santé foible. A sa requête, quelqu'un du Séminaire [*Baltimore*] va tous les dimanches officier dans son église. Le devoir de charité se rend en toute charité et simplicité chrétiennes et ecclesiastiques. Qui jamais peut blâmer des services aussi purement rendus? Assurément personne. C'est un exemple de charité sacerdotale que je puis proposer avec consolation à tout mon clergé. Et d'après la conviction que j'ai de votre zêle et de votre piété, j'aime à me persuader que vous vous plairez à le proposer aux sujets de votre Societé.

Je suis avec respect,
Mon Rev^{d} Père,
Votre très humb. S^{r},
+ Amb. A. B.

Thus, on the principles inculcated of "Christian and ecclesiastical charity and simplicity," the Jesuits might enter to help the pastor at St. Peter's, Washington, which was already in the hands of the prelate. And, apparently on the same principles, they might not serve the church habitually at St. Patrick's, Washington, which the Jesuit College or Seminary adjoined, and of which the Rev. Mr. Matthews, their friend, was pastor. At Upper Marlborough, in Prince George's County, where there was only one church, just erected and deeded by the owners to the Jesuits, they might not serve the church either casually or habitually; they might not help a pastor since there was none other but themselves, and they might not serve the people, who had built the church to be served by them; and the edifice was kept closed till Marechal's death. The deed in fee simple to the Jesuits made him in conscience forbid its use. A deed in fee simple offered him by the Jesuits he refused to accept; for, he said plainly, he had no priest to send. The condition of dedication and of use was that the deed should be accepted by the Jesuits, not in fee simple but in trust for himself, binding them to the service of the place for himself, until he should be able to do without them (No. 139, A, note 4).

In a duplicate of his former letter to the General (18 Jan., 1824), Dzierozynski adds a point: "I do not know how it comes about, that he [his Excellency] *has taken it into his head to assume a hostile attitude, towards not only the persons who opposed him in the White Marsh affair, but almost the whole Society and the Institute itself, to traduce them, to cry them down,*

to threaten ruin to all Jesuits; although without the Jesuits, owing to the fewness of other priests, he would find his entire diocese almost empty." There were at that time twenty-three Jesuit priests in Maryland; the number of chief stations founded and served by them was over thirty (*cf.* No. 190).

L. 1824, February 28.

Marechal, Baltimore, 28 Feb., 1824, to Dzierozynski.

He discusses a third Concordat, which he desires to make with the Superior. He affirms that the Society has abrogated the first Concordat of 1805 (*Carroll-Molyneux attempted agreement*), par un motif qui vous est parfaitement connu. *Therefore he is forced to consider the second Concordat* (*L. Neale-Grassi executed agreement*) *as null. He proposes now a peace commission betwixt them, Dzierozynski showing a legal power from the Trustees of the Corporation, sufficient to bind them. Then a third Concordat can be drawn up, to be ratified by the General, and, if necessary, by the Holy See itself. He objects to Dzierozynski's flowing but vague Latin. Let Kohlmann or Dubuisson act as secretary in the English or French language, so as to secure perfect exactitude. He writes this letter as the outcome of* notre derniere conversation sur l'étendue de la jurisdiction simultanée que nous avons; *and Dzierozynski himself had suggested a Concordat to regulate matters for the future.*

The Superior wrote to the General, five weeks later (*5 April, 1824*): "*With the archbishop pretty much the same as before. He is always making pretensions to a simultaneous and immediate jurisdiction over the persons of ours, who are in the ministry. Thus far I have not been able to obtain faculties for Father Keily. I told him without ceremony, that he could not refuse them without sin. Now he summons me to make a new Concordat with him; but he lays down for its first basis, that I admit the agreement once made by Archbishop Carroll with Rev. Father Molyneux in 1805, when this Father was not yet Superior of the Society; for he was made Superior first in 1806, as the letters patent show.*" *Here Dzierozynski was mistaken, through overlooking the powers of Mgr. Carroll, delegated by the General for the appointment of Molyneux* (*21 June, 1805*). *The attempted agreement was suppressed by its authors on other grounds* (*cf.* No. 116, D, note 24).

M.

Marechal, to Dzierozynski: "received 11 April, 1824."

The last time Marechal saw Dzierozynski, he spoke to him about sending missionaries into the vast state of Virginia (*the diocese of Richmond, of which Marechal was administrator*); *and about beginning with Richmond itself. He urges that project; reproaches him, if he does not execute it.* Se renfermer dans quelques comtés du Maryland, tandis que la Virginie ouvre un champ immense à des ouvriers apostoliques me paroitroit une sorte d'irregularité, pour moi inexplicable.

Will Rev. Mr. Keily go? The archbishop will give him the necessary powers. He has already indicated a way of providing Keily with a companion. Richmond should be the centre; and the Society can grow strong in Virginia.

Dzierozynski wants faculties for Keily at Georgetown. But Trinity church (Georgetown) is abundantly provided for. And there are the College men adjoining. Chargé comme je le suis du salut de mon troupeau, puis-je en conscience concourir a réunir sur un seul point, et sans necessité, plusieurs missionaires, tandis que les âmes périssent ailleurs faute de secours?

But, if the Superior is still determined to withdraw Keily from Washington and place him at Georgetown as a professor, marquez-le moi. Car comme, dans cet arrangement, il n'auroit besoin de facultés que pour rendre des secours accidentels aux deux pasteurs ses frères, je lui enverrai de suffisantes pour remplir cette fin.

A postscript adverts to Holy Trinity, Georgetown, as the best provided of the churches in Marechal's diocese, being served by Fathers Detheux and Sannen.

The Superior informed the General (24 Sept., 1825), that the Ordinary has been diligently active in imparting his faculties, under his own hand, to Dzierozynski's inferiors; never through the Superior himself. He said that the Jesuit priests, "whom I name simply as missionaries in our churches, he [the archbishop] *in documents sent to them, not to me, styles Pastors, Rectors; and endeavours to give faculties to them directly, not through the Superior. And, if the Superior asks faculties for any priest who stays in the College, and is not destined for a certain church or mission, then he refuses to give them; so that, before new priests are sent by me to a mission, they cannot first, while in the College, acquire experience how to conduct the ministry of hearing confessions, etc., etc.; and all this, because our churches are said by his Grace to belong to him, and only in trust to us" (22 Oct., 1827). Again, Dzierozynski says to the General: "I waste my time making remonstrances with his Grace, that two heads cannot stand on one body. His contention for headship over our men in our churches is, that the souls we take charge of, out of charity, belong to his jurisdiction; therefore ourselves too" (24 Sept., 1825).*

Thus, during the month of grace which he had granted Father Charles Neale for the delivery of White Marsh, Marechal wrote a letter to the Jesuit Father McElroy, appointed by the Superior to fill the place of the late Father Malevé, Jesuit, at the Jesuit station and on the Jesuit property of Frederick. Translated from Dzierozynski's Latin, the document runs as follows (Dzierozynski to the General, 28 Dec., 1822):—

N. 1822, December.

"*Rev. Sir,*

"*There is a doubt about your appointment as Pastor of Fredericktown and vicinity. I did not give this power to any of my Vicars General, that, in my absence* [in Rome], *they should make a permanent nomination of any one to the office of Pastor over any congregation. It is evident that the Superior of the Society of Jesus could not do so validly. He can indeed appoint members of his Society to religious posts, which are within the enclosure of a College or novitiate, etc.; but not at all to pastoral offices, to which the care of souls is attached. This belongs exclusively to bishops. To remove, however, all doubt about your appointment, 1st. I grant to you, Rev. Sir, all the faculties which are contained in the printed sheet, without any exception, according to the form, which, like my venerable predecessor, I follow. 2ly. By these presents I appoint your Reverence Pastor of Fredericktown and its vicinity. Etc.*"

This letter, sent to McElroy without any reference to McElroy's Superior, was perfectly inoperative, since the Ordinary had not the Superior's consent to make a permanent pastor of the Jesuit in question. The appointment already made of McElroy, as filling that post, was in virtue of the written and executed Concordat, made between Marechal's "venerable predecessor," L. Neale, and the Superior of the Jesuit Mission, Father Grassi; by the terms of which instrument, Fredericktown *with its* dependencies *was put* permanently under the spiritual care of the Religious of the Society of Jesus (No. 189; *cf. partial text*, No. 88, A).

Only two months after the correspondence about Father Keily, as given above (M), *Archbishop Marechal, by a memorandum indited at St. Inigoes, 5 June, 1824, opened the issue about the church at Upper Marlborough* (No. 139, A, note 4; *cf.* No. 121, A, II, note 4). *It read thus:*

O. 1824, June 5.

The case of Upper Marlborough church, Prince George's County. Marechal's memorandum.

If the Catholics of Ma[*r*]lborough think proper to give the civil title of the church which is to be erected to the Rev. Fr. Neale or any other individual, the Archbishop is bound by the Decree of the Holy See he has lately received to require that, in the deed, it be expressly stated that the sacred property is conveyed only in trust for the benefit of the Catholics of Marlborough and its vicinity, and that the spiritual jurisdiction of the Arch[p] on that church shall remain as full and entire, as on any Catholic church of the diocese of Baltimore.

St. Inigo's, 5th June, 1824.

+ Amb. A. B.

This autograph memorandum is supplemented by another autograph in the same terms, but with the addition:

This note was delivered to Fr. Dzriosinsky by the Arch[p] on the 4th June, 1824, before the foundation of the church of Marlborough was laid.

Both the memorandum and the note attached are also in a copy made by the hand of Dzierozynski; who informed the archbishop "repeatedly," that the condition of accepting in trust was not within his power, and only the General could authorize him to fulfil it. This answer he seems to have conveyed by word of mouth: saepius inculcavi (*see his text infra*, No. 139, A, note 4, *Dzierozynski, 10 Nov., 1826, to the General*). *On the verbal character of his answer seems to rest a subsequent assertion of Marechal's, that, only when the church was nearly built, the Superior, says Marechal, "wrote to me for the first time," conveying the same information* (*infra*, No. 135, p. 569, note 49; *Marechal, 28 Feb., 1827, to Father Mudd, S.J.*).

The church was built and prepared by the Catholics of that town. Years passed on. In 1827, Dzierozynski writes to Father Kohlmann, Rome, saying that the church still remains unopened, and the archbishop neither wishes to receive the deed from us, as we have offered it to him, nor does he allow us to retain it, fearing, as he says, our extension. *The Superior adds:* The people are very angry about the affair. Please to speak to Rev. Father General and the Propaganda; and inform us as soon as possible; because the people are threatening to sell the church, as being unprofitable to them (*6 Feb., 1827*). *To the General he writes eight months later, as follows:*

P. 1827, October 22.

Dzierozynski, 22 Oct., 1827, to the General.

. . . *His Grace of Baltimore wishes to introduce a condition into the deed of donation, or else to receive from us a writing to the effect "that we do not accept this church, except in trust, that is, confidentially; and he gives for reason, that churches must be rendered secure by such a condition* (*otherwise in the hands of Jesuits they are not safe; he fears perhaps that we shall turn them into stables*):" et rationem dat, ut ecclesiae sint in securitate per hanc conditionem et attestationem (alias in manibus Jesuitarum non sunt securae: timet fortassis ne in stabula a nobis convertantur). *Dzierozynski goes on to ask for the intervention of the Propaganda, "that scandal may not be given to Catholics and Protestants alike."*

Ego modum non video tum eximendi hujusmodi ex capite Antistitis cogitationem, tum obtinendae licentiae ad aperiendam ecclesiam in Ma[r]lborough (quod cives summopere desiderant), nisi ut Paternitas Vestra me jubeat praetensam assecurationem eidem dare; vel Congregatio de Propaganda Fide debeat instrui, quod non per nos stet, quod non aperiatur. Nam totum Deed Excellentissimo damus, et tamen ipse nec

hoc recipit, nec nos illud habentes aperire ecclesiam sinit. Congregatio absque ceremoniis debeat [!] ipsi injungere unum vel alterum, scilicet ut vel Deed a nobis accipiat, vel, si non recipit, sinat nos (ut ecclesia non sit hoc modo interdicta plane innocue) et Deed tenere et ecclesiam aperire, ne et Catholicis et Protestantibus fiat scandalum. Excellentissimus hujus rei totum odium in me transferre conatur ubique, etiam coram meis subditis, privatis et sat injuriosis litteris suis,[49] quasi

[49] *Compare Marechal, Baltimore, 28 Feb., 1827, to* The Rev. Mr. Mudd [*S.J.*] at White Marsh, near Queen Ann, Prince George's County, Maryland. *Though the letter is Marechal's, the English style is not his.*

[*F.* 1]. *On some matrimonial cases.*

[*FF.* 1ᵛ–2ᵛ]. *The Marlborough affair, rehearsed, from 4 June, 1824, when he met Dzierozynski at St. Inigoes. About the condition of Trust:* My leave was expressly a conditional one. However Father Dziery. neglected to have the condition fulfilled, and this, I am afraid, deliberately; and the first stone was laid down in his presence. The building being nearly terminated, he then manifested his real views, and wrote to me for the first time [*cf. supra*, p. 568, *ad* O] that his rules permitted him indeed to receive property in Fee Simple, but never in trust. I will not fatigue you by stating here his frivolous and incoherent reasonings; nor will I accuse him in all these transactions of having acted in an uncandid manner. I like better to say that he is like some of his Bretheren, who received their religious education in Poland, whom My Vener. Predecessor, Dr. Carroll, frequently declared destitute of the knowledge of the rules and of the spirit of the Society of Jesus.—Having no hope of bringing Fr. Dziery. to a sense of obedience due to the decree of the H. See, and wishing to oblige the Catholics of Ma[*r*]lborough, as far as it is consistent with my duty, I wrote a letter to Mr. Rd. [*Charles ?*] Hill [No. 139, note 4], and suggested a means of removing the existing difficulty. I never received an answer from that gentleman.

Surely, Rev. Sir, you have too much judgment and piety to exhort me to transgress a positive order [*cf.* No. 139, note 4] of the H. See. The only way to succeed, is to see Father Dziery., and try to introduce into his mind some sound ideas, instead of those which he has received from some wrong-headed persons; or, if you like it best, to apply to Mr. Rd. Hill. I would feel happy either the one or the other put it in my power to grant that the church would be consecrated to Alm. God and its [!] worship.

You say that many speak against me. Bishops who do their duty are exposed to this kind of persecution. It is their daily bread. I defend the interests of my children of Marl^{g}, not mine; and I hope that, reflecting upon the irregular schemes of those who led them astray, they will praise my conduct in this instance and, instead of passing censures upon me, they will speak of me with respect and gratitude.

I remain with respect and attachment,

Rev. Sir,

Yr. &c.

+ Amb. A. B.

[*F.* 2ᵛ]. *On Lenten dispensations.* (*Md.-N.Y. Province Archives, under date.*)

The tone of the letter indicates the state of public opinion at the time. The tenor is what Dzierozynski alludes to in the text: privatis et sat injuriosis litteris suis. *The tenor and style together are those of several letters given infra, after the date of Marechal's death* (No. 214, *Whitfield to Gradwell and the Propaganda, 1828; cf.* No. 139, note 4, *style of the letter to Mr. Charles Hill, Marlborough*).

The declaration, ascribed to Carroll in this letter, that the Jesuits who had received their religious education in Poland *were* destitute of the knowledge of the rules and of the spirit of the Society of Jesus, *seems to be a transformation of something that Carroll really did say; but it was not about such Jesuits being unacquainted with the rules and spirit of the Society; it was about their being not sufficiently versed in the rules and spirit of Americans and America. Thus to Charles Plowden in 1815 Carroll wrote, six months before his death:* Your friend Mr. Grassi [*a Jesuit who received his religious education in Poland*] is doing his best for it [*the Society*] here; but it seems to me that he consults chiefly, if not exclusively, foreigners, that is, his brethren

haec suspensio tota stat [!] per me, seu meam obstinationem. Sed si ita, habet apud quem conqueratur de me. Ego omni poenae me subjicio.

Meanwhile the Superior was reporting to the General various demands made for Jesuits by other bishops in the States; by Bishop Dubourg, who, not content with having already obtained the colony of Indian missionaries at Florissant, Missouri, was offering a new district, now being laid out in the city of St. Louis, and was asking for a college, the future St. Louis University; by Bishop Benedict Fenwick of Boston, who, having the Jesuit Father Virgil Barber at Claremont, New Hampshire, was petitioning for others, and desired that Brother Mobberly should be made a priest and sent to him; by Bishop Edward Fenwick of Cincinnati, who solicited similar aid (Dzierozynski to the General, 7 Feb., 1826; Dubourg, B. Fenwick, E. Fenwick, passim, 1823–1826, in the General Archives, Md.–N.Y. Province and the Missouri Province Archives; cf. infra, No. 196, *on Upper Louisiana).*

Q. 1824, April 24.

The General, Rome, 24 April, 1824, to the Superior Dzierozynski.

He criticizes the Jesuits of Maryland for having placed themselves in the false position of holding parishes at all under bishops; and adds a stricture as well on Marechal's fears about a secession of the Jesuits from his diocese, as on his conduct towards Jesuit missionaries while working in the diocese.

Many points of business. 10^mo^ Si qui episcopi volunt suas paroecias vobis tradere, videntur quidem favere, nec sine causa, quia indigent sacerdotibus; ast, postmodum obtinuerint quod volunt, tum dein procedent ulterius et apertius, quod utique timere merito experientia docet, ne velint suam etiam in vos, ut Baltimorensis, extendere et habere jurisdictionem. Idcirco retineat hoc fixum: Nos debemus esse liberi; nos debemus nullo modo acceptare paroecias; nos facti sumus tantum ad missiones. Hinc quidquid contra haec tria fiet, minime benedicetur a Deo et a S. P. Ignatio.

11^mo^ Non timeat archiepiscopus vester de Louisiana [*i.e. Missouri*], quasi illuc traducemini. Inanis est per se timor; inanis porro nisi aliter Congressus decernat [*the Department of Indian Affairs, regarding the*

from Russia, Germany, Flanders, etc.; all of them good religious men, but not one of them possessing an expanded mind, discerning enough to estimate the difference between the American character and that of the countries which they left. Though I have not noticed yet much of this partiality in himself, yet I apprehend that dissatisfaction, complaint, and perhaps remonstrances will arise against certain acts of his administration (*English Province Archives, portfolio 6, f. 118, Carroll, 25 June, 1815; see* No. 178, C[3]). *At that time, the Jesuits who had received their formation in Russia or Russian Poland, were the chief source from which all the rest of the revived Order in Europe and in America received their knowledge, theoretical and practical, of the traditions, spirit and rules of the Society of Jesus. The person to whom we ascribe the composition of the letter just given, that is the Rev. Mr. Whitfield, had been a Jesuit novice in England for six months, knew little of the Society and had never known Archbishop Carroll. Marechal, who transcribes the letter as his own, had known Carroll.*

western tribes]. Sed interea tractet vos discretius et mollius; deponat falsissima ac injusta praejudicia; non arctet [?] et non alliget ad certa dumtaxat loca inhumaniter suas facultates pro vestris in vinea Domini operariis; non arroget sibi jurisdictionem in eos, qui alio a suo superiore religioso mittuntur. Dum ab hoc providetur ut missis mox sufficiantur successores alii, quae injuria? Quod dispendium inde archiepiscopo est? Ast durities ad quid valet? Inhumanitas quo vadit, nisi ad detrimentum sibimetipsi, dioecesi, animabus ovicularum, et gloriae Dei; scimus enim a severissimo hero etiam jure mancipia fugere.

From the foregoing correspondence and much more of the same tenor in the archives, it appears that, if Marechal's policy had not been understood better than his letters, and not withstood with the determination which it encountered, it would have been in full operation at the time of his Twenty-three Propositions, unto the dissolution of a religious Order: individual Jesuits being relegated to Virginia, and obnoxious ones located in Pennsylvania, expelled from the Society, or promoted to bishoprics (No. 131, 3, 3c); *Jesuits, "natives of the Baltimore diocese," bound over to the service of that locality* (No. 120, 2a); *others distributed in dependance on the secular clergy; secular clergymen installed in the posts and on the estates of the Jesuits, with expectations of full succession; the succession of the Jesuit Mission itself cut off eventually by cutting through the means of supplies; and the whole clergy mingled together, secular and regular, in unqualified dependance on Marechal, with the Jesuit property gradually lapsing to himself as sacred goods derelict, calling for an owner.*

General Archives, S.J., Maryl. Epist., 6, ii., *28 Dec., 1822, Dzierozynski to the General;* 3, i., *same to same, 18 Jan., 1824;* 3, ii., *duplicate with addition;* 3, i., *same to same, 5 April, 1824; 20 June, 1824; 24 Sept., 1825; 7 Feb., 1826;* 3, v., *22 Oct., 1827. Ibid.*, 6, vi., *6 Feb., 1827, Dzierozynski to Kohlmann. Ibid.*, 3, i., *20 July, 1825, Dzierozynski to the secretary, Father Korycki. Ibid., Chartophylacium P. Korycki, 14 Jan., 1824; 24 April, 1824, the General to Dzierozynski.—Md.-N.Y. Province Archives, folio Record Book* IV., Liber Consultorum, *ad fin., Kohlmann's* Note, *12 July, 1820. Ibid., correspondence, 12 Dec., 1823, Marechal to Dzierozynski; 30 Dec., 1823, same to same, 4 close-written pp., small 4to; 14 Jan., 1824, same to same, 3 pp. 4to; 28 Feb., 1824, same to same, 4 pp. 4to; "received, 11 Apr., 1824," same to same, 3 pp. 4to; 5 June, 1824, St. Inigoes, Marechal's memorandum on Marlborough, two autographs, and a copy by Dzierozynski; 9 Dec., 1824, Marechal to McElroy, Frederick; 23 Dec., 1824, same to Dzierozynski; 3 Mar., 1825, same to McElroy; 11 July, 1825, McElroy to Dzierozynski; 14 Sept., 1825, Marechal to Dzierozynski, 2 pp. 4to; 28 Feb., 1827, Marechal to Mudd, 4 pp. 4to.—Georgetown College Transcripts, 1818, 7th (Jan.—Shea, ibid.), Marechal to Kohlmann.*

The passage of the General's letter, last cited, contained statements adverse in principle to the practice of his American Jesuits in accepting parishes at all. The rest of the passage was adverse to

the principles and practice of Marechal in dealing with the Fathers. Beyond this double declaration, the uniform tenor of the General's communications and orders to the Maryland Jesuits was that of simply buying peace at any price. He himself had occasion to contribute soon and to stand all the expense, in purchasing, if not peace, at least a truce of some kind.

Meanwhile, the Cardinal Prefect of the Propaganda in several letters to Marechal conveyed the application of principles, which bore upon the issues between him and the Jesuits. In one (5 May, 1821), he was told that, if priests served him voluntarily, they were not therefore bound to him. In another (9 Dec., 1826), his attention was called to a difficulty which had arisen in the diocese of Cincinnati, where Bishop Edward Fenwick, a Dominican, was not only left unassisted by his own Order, but was forced to begin his pastoral life as bishop in a new diocese without the private fortune, which had already been spent by him in the service of his Order. The Prefect of the Propaganda inquires about certain property, whether it belongs to the Order or to the Ordinary of Cincinnati. Both in the presentation of the case, as referred to Marechal for information, and in circumstances which are mentioned by Bishop Fenwick to an English Jesuit, Father Edward Scott, the implication is clear as to the relations between two parties, an Order and an Ordinary, having each exclusive rights.[50]

[50] *Cf. J. G. Shea*, History of the Catholic Church in U.S., iii., 325, 353: *Bishop Fenwick* found that deeds had been made out to the Order, and not to the diocese, for the property in Brown County, Zanesville, Canton, and other places. Mild as he was, and strongly attached to the Order of St. Dominic, he could not sanction these steps, which had been taken without his knowledge. *The subject of debate is, whether such property was not meant for the bishop and the diocese, the benefit of which Capellari styles* (*infra*, T), "*the general interests of religion*," *represented in E. Fenwick, bishop, as contrasted with the particular rights of the Order, represented in E. Fenwick, Dominican. The donors, regarding him as a member, were technically* "*enriching the Dominican Order*," *and not the diocese.*

The analogous contrast introduced by Marechal, between the general interests of religion (Nos. 115, § 10; 116, C, [*1°*]), *as represented in his see, and the particular rights of the Society to which, he says, property had been given, and again between* enriching the Society by a breach of a religious trust (No. 89, A), *and vesting the property in himself as the true beneficiary, had no similar basis either in his see, which did not exist in Maryland during the 158 years before its foundation, or in himself, who, even if he had lived at the time of a donation, could never have been confounded by donors with an Order to which he never belonged. Cf.* No. 139, C, *ad* note 11.

The case and the issue presented by Fenwick are clear. The other system of presenting ex-parte allegations, while excluding the parties interested from a hearing until action was taken, had been denounced by Archbishop Leonard Neale: In my last letter to you, Right Rev. Sir [*Bishop Connolly of New York?*], I stated the letter sent by Card. Litta, including a precept of His Holyness to reinstate Messrs. Gallagher and Browne at Charleston, as they were before, while the appeal was pending; and also to remove the Rev. Mr. Cloriviere entirely from Charleston; and finally ordering me to forward my legalized reasons for

These two typical cases of priests serving voluntarily in a diocese, and of an Order's property not belonging to a diocese, appear in the documents as follows :—

R. 1821, May 5.

Card. Fontana, 5 May, 1821, to Archbishop Marechal. Abstract (Shea's ?).

. . . *The second inquiry of Marechal related to the domicile of priests, who went from one diocese to another : Could such priests, after spending one year in a diocese, leave it without the permission of the bishop? Answer : They can, unless they have formally attached themselves to the clergy of that particular diocese.*

suspending those two gentlemen, etc. His Holyness' mandate I have considered as nul, being subreptitiously obtained, and shall, if possible, send a priest [*Father Grassi, S.J.*] to Rome, to urge the cause and support the episcopal authority in the United States against refractory priests, who have in the present instance been patronized by the Propaganda. The coarse and rude way they have treated me in favor of Messrs. Gallagher and Brown, both notoriously refractory, plainly shows, unless effectual opposition be made in the present instance, our authority or the government of the unruly will be reduced to inanity (*Georgetown College Transcripts* [*1817*], *Shea's copy, 3 pp. 8vo*).

It was also denounced, in the same case, by the Abbé Ambrose Marechal, Vicar-General of Leonard Neale. Writing to Grassi, and persuading him to go and present the true state of the case in Rome, he said : Sooner or later the Congregation de P.F. will get correct information about Dr. Gallagher, and I have no doubt but she [*the Progaganda*] will hasten to annull the precipitate judgment she has pronounced against our M. R. Archbishop (*General Archives S.J., Maryl. Epist.*, 1, v.; *21 April, 1817*).

Though the case was rectified instanter, and a Brief (9 July, 1817) to annul the preceding mandate was sent by Pius VII. to L. Neale (Georgetown College Transcripts, under date, Shea's copy), the new archbishop, Dr. Marechal, alluded with bitterness, the very next year (1818), to the whole system of ex-parte statements and of decisions taken on the strength of them. Writing the first report of his diocese to Card. Litta, Prefect of the Propaganda, he said : Mittunt quidem Romam nuntios, sed Sacrae Congregationis, imo S. Pontificis authoritatem aeque ac meam summe despiciunt (*infra*, No. 190). *For the text of the Brief, sent hurriedly by Pius VII. to L. Neale, but received only by Marechal, Neale's successor, see* Juris Pontificii de Propaganda Fide Pars Prima, iv. 557, 558. *The Pope notes the subreption practised on the Propaganda :* malis artibus semel atque iterum praefatae Congregationi insidias (Gallagher) paravit.

Again the same Dr. Marechal, in a letter to Father Grassi dated the following year (31 Dec., 1819), complained of the whole system, misinformation from the ex-parte statements of a handful of bad individuals *governing the decisions of ecclesiastical authorities in Rome* (*infra*, No. 184).

The same system was criticized by Father Charles Neale in his first answer to Marechal (9 Dec., 1822), when refusing to execute the Brief about the surrender of White Marsh : Before a decision be made, audi alteram partem. It appears to me that the Bull, etc., are founded on a false supposition, and of course are null and void (*supra*, No. 124, B, p. 488).

Similarly, Kohlmann, in his Libellus Supplex to the Pope, after the receipt in Rome of Marechal's Propositions (No. 135, A), *adverted to the same radical vice of the whole controversy, which, on a suppositious basis, and without authentic information, had culminated in a Brief against the side unheard :* E se i membri della suddetta Corporazione, in vece di eseguir immediatamente il Breve di Pio VII, han judicato di dover far una rispettosissima rappresentazion alla S. Sede, la ragione di questo procedere non è stata altera, se non perchè erano persuasissimi che il Breve di Pio VII. era appoggiato sopra un falso supposto, e che la S. Sede non era stata rettamente informata (*General Archives S.J., Maryl. Epist.*, 6, iv., *Conseguenze*, 2°).

S. 1826, January 16.

E. Dom Fenwick, + Bishop of Cincinnati, Cincinnati, 16 Jan., 1826, to Mr. E. Scott (S.J., London).

. . . We are very poor, tho' once possessed of a competent fortune, which I freely consecrated to God's service in the establishment of St. Dominick's Order in Kentucky, from which I was forcibly taken and condemned to wander through the woods of Ohio, like "the scape goat, loaded with the sins of the people." I received nothing from the Order or establishment to which I belonged, but one habit and my breviary—not a farthing of money nor an article of furniture, except some vestments and church linen, lent me for a time only, and since restored. By the charity and gratitude of the congregation I had served in Kentucky, I was enabled to move and take possession of the new, rough and destitute diocese, in which there was then but one priest and but one wooden or log chapel—not a house of shelter for me, nor any provisions whatever. *The improvements and progress since.*

T. 1826, December 9.

Card. Capellari, Prefect of the Propaganda, 9 Dec., 1826, to Marechal. From Shea's abstract.

The Sacred Congregation having learned that the means of support for the Bishop of Cincinnati were very small, as nearly all the funds given to him were considered by him to be the property of the Dominican Order to which he belonged, the Prefect of the Propaganda inquires of Mgr. Marechal what he thinks of those funds, which are said to have been given to the Bishop of Cincinnati, not to enrich the Dominican Order, but to promote the general interests of religion.

U. 1827, June 22.

Marechal, 22 June, 1827, to Dr. Gradwell, Rome.

Be pleased to present the enclosed to Card. Capellari. The Dominicans in Ohio follow the example of the Jesuits in Maryland, and will prove as troublesome.[51] Philadelphia is in dreadful confusion. Mr. Harold has sued eight young clergymen, who are to appear before court in a few days. This act of violence, and the principle he maintains of the immobility of pastors, and the irrevocability of their powers without a previous judgment, has given great scandal. No peace as long as he remains in Philadelphia. The same may be said of the Bishop.

On Marechal's adversaries and the provisional pension for his lifetime, contributed by Father Fortis, to be considered perpetual, see No. 213.

[51] *For a settlement between Bishop E. Fenwick and his Order, with the intervention of the Dominican General, V. R. P. Velzi (20 April, 1828), see* Juris Pontificii de Propaganda Fide Pars Prima, iv., 694, 695, No. 33.

As in other matters of contention between Marechal and the Jesuits, so in the point of ownership, thus illustrated by the case of Bishop Fenwick and his Order, subsequent enactments in councils provincial or plenary placed the question on the recognized basis of Church jurisprudence. The Second Plenary Council of Baltimore, quoting the Seventh Provincial Synod of Baltimore, approved and adopted a statute, that what is acquired by the Ordinary, either through donations or through collections, for the service of charity or religion, belongs to the Ordinary; and what is similarly acquired by a regular Order (like the Jesuits) or by a Congregation of priests (like the Sulpicians) belongs to such donee. And, quite otherwise than in Mgr. Marechal's papers and practice (No. 121, A; II, note 4), *the respective duties of Ordinaries towards their sacred trusts, and the duties of lay-trustees in the administration of Church property, are treated in the same chapter* (tit. iv., De Bonis Ecclesiasticis) *as questions entirely distinct from that of ownership by the ecclesiastical bodies just indicated.*

V. 1866.

Concilii Plenarii Baltimorensis II. Acta et Decreta, 1866, tit. iv. De Ecclesiis Bonisque Ecclesiasticis tenendis tutandisque; caput unicum.

§ 191. *The testamentary provisions to be made by Ordinaries for the security of their trusts.*

§ 195. De Bonis Ecclesiasticis, Patres Concilii septimi [*Provinciae Baltimorensis*] hoc statuerunt generale principium: "Statuerunt Patres ecclesias omnes, caeteraque bona ecclesiastica, quae vel dono, vel fidelium oblationibus acquisita, charitatis vel religionis operibus sunt impendenda, ad Ordinarium pertinere; nisi appareat, scriptoque constet, illa Ordini alicui regulari, vel sacerdotum Congregationi, in ipsorum usum tradita fuisse"[52] (Num. 60).

[52] *Compare the case of Father J. Carbery, S.J., pastor at St. Inigoes (1824). He had received eight acres of ground in Loweventown, as a gift from old Mr. Benjamin Williams. Carbery wrote to the archbishop (13 Mar., 1824), asking his authorization to build on that ground a small church, and to set apart a cemetery, as it is far from St. Inigoes. The archbishop answered (22 Mar.), giving permission, but inquiring, whether Williams had made to Carbery personally a present of the land, or was it for the use of Catholics in the neighbourhood. In the latter case, the prelate must see that the property be never diverted from the donor's original purpose. And let a deed be drawn up to correspond. Carbery replied, that the gift was altogether personal; and Williams had signed a written declaration to that effect (Md.-N.Y. Province Archives, s. d. [April, 1824], J. Carbery to Dzierozynski, 3 pp. fol.; copy of his correspondence with Marechal, and of the declaration, signed by Williams).*

Similarly, Father J. McElroy, Frederick, sent to the Superior Dzierozynski (8 May, 1824) a draft of the wills of the Misses Dehaulmes (dated 6 May, 1824), about bank stock, besides subordinate legacies, etc., all for J. McElroy, to be for ever applied to the good of religion, at the discretion of the Superior of the Society of Jesus in this country. *If it be consistent with his Reverence's* views of the good

§ 196, *seq. On lay-trustees.*

Georgetown College Transcripts, Shea papers; 1819–1822, abstracts: 5 May, 1821, Card. Fontana to Marechal; 1825–1830, abstracts: 9 Dec., 1826, Card. Capellari to Marechal.—English Province Archives S.J., folio vol., Letters of Cardinals, Bishops, etc., 2; *16 Jan., 1826, E. Fenwick to E. Scott.—English College Archives (Rome), Gradwell Collections, Baltimore and Quebec,* f. 266; *22 June, 1827, Marechal to Gradwell, Rome.*—Concilii Plenarii Baltimorensis II. Acta et Decreta, *as above,* §§ 191, 195, 196.

To complete the view of Marechal's policy, regarding parishes and the care of souls, cf. infra, No. 139, B–O, *the case of the Sulpicians.*

No. 136. **1826, October 17.**

Marechal to Cardinal Della Somaglia. *On the life-pension offered by the General of the Society. The terms* (*cf.* No. 133, A, p. 528; *with a variation,* No. 140, A, *ad init.*).

Baltimori die 17ª oct., 1826.

Eminentissime Cardinalis,

Accepi litteras Eminentiae tua datas die quinta augusti proxime elapsi,[1] quibus notum mihi facit Rev^dum P. Fortis spopondisse, tum nomine suo tum nomine suorum successorum, provisorie se mihi annuatim fore soluturum 800 scut. Rom., durante mea naturali vita.

Marechal. Acceptance of $800 a year for life from the General, if successors' claims remain.

Si per adverbium provisorie intelligat quod praefata haec annualis summa mihi solvenda sit, tuto ac integro remanente meo meorumque successorum jure, ejus propositioni lubenter assentior; et his praesentibus litteris constituo Rev^dum D^num Robertum Gradwell meum procuratorem ut nomine meo stipulatam summam accipiat.

Verum si sit mens ejusdem Rev^di Patris ut solutio summae annualis ab ipso oblatae habeatur ac censeatur completa abrogatio dispositionum, quae in Brevi Pii VII. reperiuntur, evidens est tali propositioni me tuta conscientia nullatenus posse assentiri. Esset enim prodere meam sedem.

Otherwise, an objection.

Equidem, Em^me Cardinalis, ductus amore pacis, praedium White Marsh, solemni sententia Pii VII. mihi meisque successoribus adjudicatum,

of religion *to favour Frederick itself with the annual use of the said funds* it would be more pleasing to us (*Ibid., under date*).

Father Matthew Lekeu, S.J., missioner at Conewago, in Pennsylvania, expounded to Dzierozynski (23 Mar., 1827) the case of Gettysburg, where the inhabitants, Protestants as well as Catholics, were anxious to have a Catholic church served by the Jesuits; had already bought the ground, of which the deed would be given to Lekeu "as in trust to Rd. Mr. Francis Neal, and his successors in the office, for the Society of Jesus." Lekeu asks about his duties to the Ordinary in the premises (Ibid., under date).

[1] *Cf. Georgetown College Transcripts, Shea's abstracts, 1825–1830; infra,* No. 212.—*On the claim for successors here, see* No. 133, C.—*Cf.* No. 214, *Whitfield, 5 Feb., 1828, to Gradwell, on* considerable sums *received by Marechal during these years.*

remittere consensi, sed his subsequentibus conditionibus, videlicet: 1º ut, loco hujus praedii, 1000 scutata Romana mihi meisque successoribus annuatim in perpetuum solverentur. 2º Cum his octo et amplius annis Jesuitae administratores (Trustees) bonorum ecclesiasticorum cleri Marylandiensis crudeli injustitia redditus mihi debitos solvere denegarunt, stricto jure sunt debitores mei ad minimum 8000 scutata Romana. Sed, cum hoc debitum mihi est quid personale, ultro remitterem judicio ac justitiae Sacrae Congregationis determinare quod justum ipsi videbitur in reparationem damni quod sustuli, confidens Em^mos^ Patres exacturos fore ab adversariis meis saltem summam pecuniae quae mihi sufficiat ad solvenda nonnulla debita, quae in administratione metropolitanae provinciae contraxi.

$1000 per annum for ever, with arrears.

Interim oro Salvatorem D. N. J. C. ut in Eminentiam Tuam abundantes suas gratias infundat.

Em^ae^ tuae,

Humillimus ac devotissimus servus,

+ Amb., Arch. Baltimorensis.

P.S.—Divina favente providentia, omnes dissentiones quibus, his multis annis, agitata fuit ecclesia Philadelphiensis compositae sunt. Rev. DD. Conwell, conventione facta cum aedituis, suam cathedralem ecclesiam ingressus est ac nunc possidet.

Faxit Deus ut hoc pacis foedus in perpetuum ex utraque parte inviolabile remaneat.

Em^mo^ ac Ill^mo^ Card. Somalia

P. P. S. C. P. F.

Rome, English College Archives, ff. 237, 238; *a copy.*—*Propaganda Archives*, Scritture riferite nei Congressi, 1823–1826, America Settentrionale, vol. 8.

No. 137. **1826, October 17.**

Marechal to (Cardinal Fesch). *Marechal's frustrated hopes.*

Baltimore, 17 oct., 1826.

Mon bien bon et cher Seigneur,

Il y a environ quinze jours que j'ai reçu du Card. Somalia une lettre en datte du cinq août dernier, dans la quelle son Eminence au nom du P. Fortis promet de me payer provisoirement, et cela durant ma vie, 800 ecus Romains. Il ajoute que la Propagande et même Sa Sainteté approuve cette proposition. Je crains beaucoup que cet arrangement n'ait été fait a votre inscu et a l'inscu de l'abbé Gradwell. Il y a une ambiguité dans la proposition du P. Fortis, qui, je crains, pouroit me faire perdre mes droits et ceux de mes successeurs. C'est pour le lever que j'ecris la lettre cy-jointe au Card. Somalia. Je vous prie de la lire, et vous verrez que je crois devoir refuser

Marechal. Objections to the proposal of the General.

l'offre du P. Fortis, si son intention est que je me contente, ma vie durant, de 800 écus Romains de pension, au lieu de la plantation de White Marsh que m'a adjugée Pie VII. Je renoncerois a cette plantation, comme je l'ai deja marqué a la Propagande, a condition que je receverai une pension annuelle de 1000 ecus Romains, et en outre une juste compensation pour m'avoir refusé pendant huit ans et plus le revenu qui m'etoit dû par des titres les plus incontestables.

Comme la somme qui m'est dû, par raison de cette injustice, se monte a près de 9000 ecus Romains et que le P. Fortis refusera vraisemblablement de me la payer, ainsi que ses sujets du Maryland, il me semble que la Propagande pouroit exiger de lui qu'il ajoute 200 ecus aux milles que je requiers, ce qui feroit une pension de 1200 ecus, egale a celle de mon prédécesseur Mgr. L. Neale, la plus petite qui ait été payée a l'archêveque de Baltimore par les Jesuites administrateurs des biens ecclesiastiques du Maryland.[1]

$1200 a year preferable to $800.

Que mon coeur est penetré de douleur en voyant et la marche tortueuse de mes adversaires et celle même de la Propagande. Nos tribunaux ont des juges protestans. Plût a Dieu que j'eusse pu m'addresser a eux sans scandale! Ma cause, en quinze jours au plus, eut été decidée, et j'aurois immediatement obtenu justice! La proposition du P. Fortis n'est-elle pas une nouvelle ruse de guerre, pour rendre la controverse interminable? Après tout, cette controverse ne peut pas durer long tems. Les petites resources de famille, et la bourse de quelques amis, m'ont a peu près suffis jusqu'a present. Elles sont épuisées, et, comme je ne veux pas contracter des dettes considerables pour faire face aux frais de l'administration d'une province aussi étendue que la mienne et être jetté au prison, je vais etre dans la necessité de diminuer et de retrécir les soins de mon administration, qui necessitent le plus de depenses. Rarement je fatiguerai de mes lettres la Propagande. En retenant sur les 12000 scut. Rom. qui sont payés au P. Fortis par le S^{t} Siège la modique somme de 1000 ou 1200 scut. Rom., elle n'eut fait aux Jesuites de Rome aucun tort; car les Jesuites d'Amerique, avec les grandes possessions qu'ils possedent, les eussent immediatement dedomagés de cette avance. Mais si, malgré la justice evidente de ma cause et l'habilité et la noble fermeté, mon bon et cher seigneur, que vous avez deployées pour sa defense, elle [*la Propagande*] continue a ecouter les fables sempiternelles que mes subtiles adversaires inventent, elle repondera a Dieu, et a l'eglise des consequences facheuses qui doivent necessairement suivre d'une semblable conduite.

Complaint against the Propaganda. Marechal's extreme poverty.

The Roman College revenue.

M^{r} le comte de Survilliers se porte a merveille. Il est cheri de tous les villages qui l'entourent, et avec raison. Car il etudie a y repandre l'abondance et le bonheur.

[1] *Cf.* Nos. 116, C, note 8; 117, B, note 3; 129, A, 5º. *The text here should run thus:* "*une pension de 1000 écus . . . la plus grande qui ait été payée . . .*"

Agreez, mon bon cher Seigneur, l'homage bien profond et bien sincere de mon respect, reconnoissance et attachement le plus tendre. Benedicat Eminentiae Tuae Dominus Deus noster !

+ Amb., Archiep. Balt.

Rome, English College Archives, as above, ff. 239, 240; *a copy*.

No. 138. **1826, October 18.**

Marechal to Gradwell. *Arrangements for receiving the allowance from Father Fortis.*

Dr. Gradwell. 18 Oct., 1826.

Mon cher Docteur,

La lettre du Card. Somalia qui contient la proposition du P. Fortis m'a jetté dans l'embarras. Est-ce une ruse de guerre pour anéantir les jugemens du S^t^ Siège en ma faveur ? C'est ce que je ne puis dire ; n'ayant reçu aucune lettre de vous sur ce sujet, vraisemblablement cette proposition vous a été cachée.

J'accepte la promesse du P. Fortis, salvo meo ulteriori jure. Si son dessein est d'anéantir l'autorité du Bref de Pie VII., je la refuse.

Marechal. Acceptance. Condition of his refusal.

Dans le premier cas vous receverez ce qui m'est dû par quartier. D'abord vous prendrez pour vous la somme que je vous dois. Le reste je vous prie de l'envoyer a Mg^r^ Poynter, sur le quel je tirerai aux epoques dont nous conviendrons ensemble.

Je desirerois beaucoup avoir la promesse du P. Fortis par écrit, si vous convenez ensemble.

Dimanche prochain je ferai la ceremonie de la consecration de M^r^ Dubois dans ma cathedrale. Les troubles de Philadelphie sont heureusement finis.

La Propagande m'enleve pour remplir les sièges mes meilleurs sujets. Je n'en n'ai presque plus pour occuper les premiers postes des villes de mon diocèse. M^r^ Flaget est accusé avec raison d'avarice sous ce rapport. Quoiqu'il en ait plusieurs qui lui sont simplement utiles, il jette les hauts cris, aussitot qu'on propose de lui enlever un seul ; sa rule [!] est toujours de proposer quelques sujets des diocèses voisins. M^r^ Fenwick de Cincinati se plaint amerement de cette disposition. Et il n'a pas tort. Optime valeas et saluta omnes amicos—ora pro me.

+ Amb., A.B.

P.S. Je n'ai pas encore reçu un exemplaire des Cracas que vous m'avez envoyé. Il me semble que le mieux seroit de faire passer a M^r^ White qui pourroit le consigner au capitain d'un vaisseau venant a Baltimore.

Rome, English College Archives, as above, f. 241.

No. 139. **1826, November 26; 1822–1828.**

Marechal to Cardinal (Della Somaglia). *Postscript on the Jesuits and Church property: that in virtue of a decree, dated by the Propaganda 27 July, 1822, the Order has no capacity to receive Church property in its own name, but only as in trust for the Ordinary of the diocese.*

Marechal and the Sulpicians in Canada. *A case analogous to that of Marechal and the Jesuits in Maryland.*

A. Baltimori, die 26 novembris, 1826.

EMINENTISSIME CARDINALIS,

General ecclesiastical affairs.

P.S. Decreto Sacrae Congregationis dato 27 julii 122[2], statutum est ut episcopi et a fortiori simplices missionarii, quibus transmittuntur ecclesiae, coemeteria, etc., etc., etc. introduci curent in ipsomet contractu civili hanc clausulam: Fiduciale tantum et pro usu extructae Ecclesiae, etc., etc., etc.[1]

Marechal. Conditions of trust for trustees of Church property.

Egomet et omnes saeculares sacerdotes huic decreto sese lubenter submittunt. Verum P. Jesuitae omnino renuent [*renuunt*] dicentes se non posse fiducialiter ulla bona recipere, sed tantum simplici et absoluto contractu. Quod ut probet P. Superior Dzierosinzky textus subsequentes [*adducit*] desumptos ex serie privilegiorum quibus contendit suam Societatem gaudere: Potest Praepositus Generalis domos, ecclesias et collegia a quovis constructa seu testamento mandata vel quovis modo oblata, cum omnibus ad id necessariis et opportunis, ac locum pro hujusmodi constructione nobis oblatum recipere, et ecclesias praedictas cum coemeteriis et consecrari facere et primum lapidem poni per quoscumque episcopos (si dioecesani ultra quatuor menses id facere distulerint) posse decernimus, inhibentes omnibus et singulis archiepiscopis, episcopis aliisque praelatis et locorum ordinariis ac quibuscumque aliis potestatibus ecclesiasticis et saecularibus ecclesiae ne eos in hoc perturbent aut molestent,[2] etc., etc., etc. Alium textum adducit ejusdem fere tenoris. Ita arguitur [!] P. Superior nostrorum Jesuitarum Marylandiensium. Nunc autem haec est causa praesentis inter nos controversiae.

Jesuits accept Church property absolutely, not in trust for the Ordinary.

[1] *See the decree sketched, supra,* No. 121, A, II. note 4. *For the connection between* simplices missionarii *in this first paragraph and* Jesuitae *in the next, cf.* No. 135, C. *For the general basis of Dzierozynski's contention, cf.* No. 130, B.

[2] No. 61, A.

Induxerunt quidam patres Societatis civem quemdam nomine Carolum Hill,[3] ut inter catholicos vicinitatis colligeret pecuniae summam ad emendum agrum atque ad ecclesiam super eo aedificandam; simul variis artibus eum induxerunt ut tum agrum tum ecclesiam absoluto contractu transmitteret rev. patri F. Neale Jesuitae et procuratori Corporationis cleri Marylandiensis. Quae secreta negotiatio cum ad meas aures pervenerit, scripsi ad patrem superiorem Dzierosinsky me non posse, juxta decretum Sanctae Sedis datum die 27 Julii 1822, permittere ut aedificaretur et a fortiori benediceretur haec ecclesia, nisi in contractu civili declararetur P. Neale non esse absolutum dominum hujus boni sacri, sed tantum illud possidere fiducialiter et pro usu catholicorum qui propriis expensis agrum et ecclesiam obtinuerunt.[4] Sed mihi constanter respondit

The Jesuits' blind ambition.

[3] *The case of Upper Marlborough, Md., referred to supra*, No. 121, A, II. note 4. *See* No. 135, O, P.

[4] *Cf. General Archives S.J., Maryl. Epist.*, 6, vi., *1826, Sept. 15, Marechal, Baltimore, to Mr. Charles Hill, Marlborough; Oct. 12, Dzierozynski, Georgetown, to Marechal; Oct. 14, Marechal, Baltimore, to Dzierozynski; Oct. 15, Dzierozynski, Georgetown, to Marechal. These are all copies, in English, contained in one letter of Dzierozynski, 10 Nov., 1826, to the General. The originals of Marechal's, Oct. 14, 3 pp. 4to, and of a subsequent letter or polemical disquisition on the rules S.J., Oct. 18, 4 pp. 4to, are in Md.-N. Y. Province Archives, under their dates, with Dzierozynski's copies or drafts of the others.*

The tenor of Marechal's claim, as far as it was manifested to the laity, is perfectly well expressed in the first letter just cited. He wrote to Mr. Charles Hill of Upper Marlborough:—

Dear Sir,

I am very sensible of the difficulties to which you and other Catholics, living in the vicinity of Marlborough, will be exposed as long as the church lately erected shall remain closed. Wishing to remove them, and to comply as far as it is in my power with the positive order I received from the Holy See, I request you and two or three of the principal subscribers to go before a Magistrate and to declare upon oath: 1st. That, though you have conveyed by an absolute Deed to Rev. Francis Neale and his heirs the lot of ground upon which the church of Marlborough stands, yet your real intention was that said Father Neale and his heirs should not make use of said lot, but for the benefit of the congregation of Catholics in the neighborhood of Marlborough. 2ly. That your intention is that the spiritual jurisdiction of the Archbishop of Baltimore upon the church of Marlborough shall remain as full as upon any church of the diocese, and that neither said Father Neale nor his heirs shall ever make use of the absolute deed given to them to impede the exercise of the said jurisdiction. Be pleased to send me the paper containing this formal Declaration, together with an authenticated copy of the Deed of conveyance. As soon as I shall have received both documents, I will permit the church to be opened, and even consecrated to the worship of Almighty God. I trust that these documents shall be a sufficient protestation to me, if ever the Holy See should charge me with having transgressed a positive order that has been transmitted to me for the perpetual preservation of the places consecrated to Divine worship.

My respectful compliments, etc.,

+ Ambrose, Archbishop, etc.

Baltimore, 15 Sept., 1826.

The positive order *twice cited here cannot be the decree of the Propaganda, 3 June, 1822 (dated 27 July), relating to the Jesuits (supra*, No. 121, K). *It must be that of the same Sacred Congregation, dated 27 July, 1822, on the subject of Lay Trustees* (No. 121, A, II. note 4). *What he refers to as* impeding the exercise of [*the Ordinary's*] jurisdiction, *is the exemption of regulars from the jurisdiction of the Ordinary in the use of their canonical rights* (*cf.* No. 130, B, C).

Mr. Charles Hill, on receipt of this letter, sent it forthwith to Father Dzierozynski,

Societatem non posse fiducialiter ullum bonum possidere, atque praefato decreto nullatenus se teneri confirmare [!].

His coecae ambitionis machinationibus non possem assentiri, tuta meae

Superior, who, writing to the General, gives it in the English text, and then notes its purport; adding that the archbishop meanwhile is inquiring privately in all directions about the titles of Jesuit churches, to see if he can find any trace of this kind of trust (*cf. infra*, No. 198, *Marechal's Diary*) : Jam vero, vel sola haec epistola sat superque ostendit et quo animo fertur erga nos, et quo tendit sua intentione, ut scilicet confirmet se in illa praetensione, quod omnes ecclesiae etiam in nostris praediis ad ipsum pertineant, et nobis tantummodo concreditae in trust: ut ore tenus non semel expressit; et aliunde ubique privatim inquirit de titulis nostrarum ecclesiarum, nonne vel umbram hujus trust inveniat. De quo jam ipsi saepius inculcavi, quod Societas in trust, nempe confidentialia, nunquam juxta Institutum recipit, nisi expresse a Patre Generali concedatur. (*General Archives S.J., Maryl. Epist.*, 6, vi., *Dzierozynski, 10 Nov., 1826, to the General. Cf. supra*, No. 55, *the General Piccolomini, 8 April, 1651.*)

Immediately, on receiving from Mr. Hill the letter of the archbishop, Dzierozynski sent off Father Francis Neale from Georgetown to Baltimore, authorizing him to make an absolute deed of transfer of the Marlborough property from the Society to the Ordinary of Baltimore. He transcribes his short note for the General.

12 Oct. 1826, Georgetown College.

Most Rev. Sir,

Unquestionably the deed of Marlborough church was from the beginning made over absolutely to Rev. Francis Neale, even without his knowledge. But, since this Deed prevents your consent for opening the church now already built, on which account the people of Marlborough are so much dissatisfied: in order to remove any difficulty on our part, I send Father Francis to you, Most Rev. Sir, that he may transfer the same Deed either to you, or to whatever person you may assign. We are forbidden by our Institute to take any immovable property in trust. Therefore you will excuse Father Francis for not changing the absolute Deed, already recorded in his name, into one of his personal trust.

With the greatest respect I remain, etc.,

Fr. Dz. S.J.

The archbishop replied in a letter, dated Baltimore, 14 Oct., 1826, beginning thus: Rev. Sir,—By requiring that the clause I mentioned to you be inserted in the Deed given to the Rev. Father Neale, I merely comply with a positive order of the Holy See, to which all my secular clergymen and myself submit ourselves cheerfully. Why Religious men would not yield obedience to an ordinance of the S. Pontiff, framed for the peace and security of the churches in this country? But you say, Rev. Father, that your Institute does not permit you to accept property in trust. *Here Marechal, who again refers to a* positive order, *to an* ordinance *of the S. Pontiff, begins a paper controversy, chiefly on the Jesuit Institute. Three passages have been quoted above* (No. 108, D, E, F).

In his answer (*15 Oct., 1826*), *Dzierozynski reminds the prelate, that he had asked permission to lay the corner-stone, after the date of Marechal's memorandum* (*5 June, 1824;* No. 135, O), *and that he had noted the fact of the deed being already recorded, and beyond the reach of a change:* As for those who induced the people to deed the church to Father Neale and promised attendance, or who threatened, I know nothing. All that I know is, that the Deed was given to Father Neale long before there was question of laying the corner stone, without any conditions. And, when I asked your Grace permission (15 June, 1824) to lay the corner stone, I told you it was too late to put any limitation in the Deed already recorded; and that I would rather make it over to you entirely, though perhaps it was not the wish of the people. *In his reply* (*18 Oct., 1826*), *the archbishop made no other reference to these statements, than in the language given above*, No. 108, F. *To Mudd, four months later, he wrote, as is seen in* No. 135, P, note 49.

The archbishop declined to accept the absolute deed for Marlborough from the Society. He insisted that the Jesuits should receive it and hold the property for him—thus binding the church to himself by the deed and declaration, and, under the same, binding the Jesuits to that church in subservience to himself.

Compare Mgr. Marechal's own account, in the letter to Father Mudd, 28 Feb., 1827

dioeceseos pace. Etenim haec sacra bona transmittuntur (Trustees) administratoribus Corporationis cleri Marylandiensis, idest, Jesuitis, qui non semel sed iterum atque iterum professi sunt omnia bona sacra quae obtinent absoluto contractu eo ipso esse civilia, in quae neque Papa neque a fortiori archiepiscopus Baltimorensis ullam jurisdictionem habent.[5] Insuper factum est quod quidam Jesuitae, prae manibus habentes absolutum civilem contractum, sacra bona vendiderint et eorum pretium applicuerint ad usus sibi proprios contra mentem donatorum; uti non ita pridem contigit in Philadelphia,[6] et in comitatu Harfordiensi Marylandiae,[7] prout jam certiorem feci Sacram Congregationem. Tandem, statim atque ecclesias hoc civili absoluto contractu obtinere[*nt*], non possum sine licentia superioris ullum sacerdotem instituere pastorem, nisi quem voluerit superior, quamvis his ecclesiis annectatur cura animarum et sint parochiae eodem modo quo sunt parochiae caeterae ecclesiae dioeceseos; neque ullum officium in illis perficiatur quod sit proprie conventuale, cum [*omne?*] vero officium parochiale viz. [*sit*, *?*] praedicare, baptizare, matrimoniis benedicere, etc., etc., etc.

Their doings in Philadelphia and at Deer Creek.

Jam scripsi ad S. Congregationem die 20 julii, 1824,[8] de periculo cui pax et tranquillitas, quibus mea dicecesis quae et [*gaudet?*], exponuntur, si his Corporationis Marylandiensis machinationibus finis non imponatur. Doleo maxime quod praetermiserit ullum ad me transmittere responsum super hoc momentoso negotio.[9]

Marechal not supported by Propaganda.

+ AMB., Arch. Balt.

Rome, English College Archives, ff. 245–247; *a copy.*

As to the demands of Mgr. Marechal, Ordinary of Baltimore, when claiming rights over Jesuit goods which were in his diocese, and claiming rights over Jesuit persons, when they were in charge of

(No. 135, P, note 49); *where he says merely that, at a certain date, Dzierozynski* wrote to me for the first time, *about the condition being impossible.*

As the English of the first letter is not in Marechal's style, it may be referred under that aspect to his councillor and support, the Rev. James Whitfield, who, succeeding him in the See of Baltimore as fourth Archbishop, continued Marechal's policy (*infra*, Nos. 214, 215). *But he accepted of the absolute deed for Upper Marlborough, and allowed the church to be used* (*Maryl. Epist.*, 3, i.; *Dzierozynski, 25 Sept., 1828, to the General, Father Fortis*).

Thus much has been noted here to explain the tenor of these documents, leaving the narrative to its proper place in the History.

[5] Jurisdictionem: *spiritual for the ministry, or temporal in the right of ownership? Cf.* No. 130, A, note 5.

[6] *Cf.* No. 108, note 2. *Ibid.*, D, F.

[7] *Cf.* Nos. 87–89. *For these repetitions of statements, reiterated during six years, the documentary criteria have been given above, passim, in text and notes. For the sentence following here, cf.* Nos. 120, note 4; 130, A, *ad* note 4.

[8] No. 130.

[9] *Cf.* No. 61. *No further notice seems to have been taken in Rome of these representations.*

a parish or had the care of souls, compare a series of documents, showing his attitude at the same time towards his own community of the Sulpicians, who possessed goods and had the care of souls in another bishop's diocese. M. L'abbé Lartigue, a Sulpician,[10] *was consecrated (21 Jan., 1821) first bishop of the new diocese of Montreal, but only as an administrator or Vicar-General, under the authority of Mgr. Joseph Octavius Plessis, who now became first Archbishop of Quebec. Lartigue's title was that of Bishop of Telmesse in partibus infidelium. In the new episcopal seat of Montreal, the Sulpicians were civil seigneurs, parish priests, and ecclesiastical patrons, in undisturbed control of all church places. Mgr. Marechal recommends to the Propaganda an arrangement by which, far from being allowed to put his throne in the Sulpician parish church of Montreal, the new bishop should erect a new parish and take his seat there; or, better, stay outside of his episcopal city altogether, and accommodate the good people on the other side of the St. Lawrence with the beneficence of his presence. It is urged that so his predecessors had done. In point of fact, he was the first bishop; and there were no predecessors. This interposition of the Ordinary of Baltimore in the affairs of Montreal and Quebec was at the same date when he was conducting in Rome the controversy with the Jesuits. He claimed the aid of his patron, Card. Fesch, in defence of the Sulpicians against Mgr. Lartigue.*

1822–1828.

Case of Marechal and the Sulpicians in Canada, analogous to that of Marechal and the Jesuits in Maryland.

B. 1822, February 20.

Marechal, Rome, 20 Feb., 1822, to Card. Fesch. Reasons for interposing in the Canadian controversy, and for not signing his memoir.

Rome, 20 Fev. 1822.

EMINENCE,

Hier au soir j'ai encore reçu deux lettres d'un excellent ecclésiastique du Canada, qui me prie en grâce de m'intéresser en faveur

[10] *Cf.* +Bened. Joseph [*Flaget*] Bardensis [*Bardstown*], *to the Propaganda, 5 Nov., 1820, on new bishoprics:* P.S. *Besides Edward Fenwick for Cincinnati, he had proposed to the Archbishop of Baltimore, proprio motu, the Rev. Theoph.* [*!*] *Gallitzin, etc.; and, besides* Grassy *for the* regio Michigan, *he had suggested B. Benedict Fenwick, S.J., or the Rev. Lartigue, S.S., for Montreal. The answer to this from the Propaganda was, that the persons named were created bishops for other Sees, and that, in any case, territory of the kind in question required the aid of a society. (Georgetown College Transcripts, 5 Nov., 1820; Shea's copy, 4 pp. 4to.)*

de la religion dans le Canada. C'est une suite à celles que m'ont écrittes en Amérique les personnes respectables, qui malheureusement sont divisées entre elles. A vous dire la verité, j'ai évité jusqu'à présent de me mêler de ces différens. Je respecte dans toute la sincérité de mon coeur et Mgr. l'Archevêque de Québec et Mgr. l'Evêque de Telmesse et messieurs les directeurs du Séminaire de Montréal. Cependant je crains aussi de ne pas remplir un devoir de charité que la religion peut-être m'impose dans les circonstances fâcheuses où les choses sont arrivées. Et c'est pour le remplir du moins en partie, que j'ai jetté par écrit quelques observations qui peut-être peuvent être utiles à la Propagande. Je vous les confie, Eminence. Je ne les ai point signés; parcequ'il me paroit prudent de ne point me montrer comme prenant part dans une affaire qui après tout m'est, sous bien des rapports, étrangère. Je prie Dieu seulement, qu'elles puissent éclairer la marche de la Propagande et l'aider à prendre des mesures qui servent à établir la paix entre des personnes dont la vertu mérite le plus grand respect. Je me proposois de vous présenter moi-même ce soir ces courtes observations. Mais m'étant rap[*p*]ellé que votre Eminence n'est pas chez elle à cette heure, j'ai pris la liberté de les lui envoyer.

Je suis avec un profond respect
De Votre Eminence
Le très humble et ob[t] serv[r]
+ Amb. Arch. Balt.

Addressed: A Son Eminence le Cardinal Fesch, Rome.

C. 1822, February 20.

Marechal, Rome, 20 Feb., 1822, to Card. Fesch. State of the case between the Canadian prelates and the Sulpicians of Montreal.

Enclosed in the foregoing letter: Observationes in praesentem statum religionis catholicae in provincia Canadiensi.

A centum quinquaginta et amplius annis, seminarium S. Sulpitii in insula Montréal florescit. Haec pia institutio constanter habita fuit et nunc merito habetur tanquam longe firmissima columna religionis catholicae in istis regionibus.

Amplos redditus possidet hoc seminarium. Verum ipsius directores pauperrime vivunt. Quidquid ex suis pinguibus possessionibus colligere possunt, expenditur tum ad sustentationem pauperum; tum ad erudiendam juventutem Canadiensem in principiis sanctissimae nostrae religionis; tum ad defensionem ac generale incrementum Ecclesiae Catholicae.[11] Tanta est ipsorum charitas ut computetur eos expendere, singulis annis, in praefatos pios usus, summam circiter 30,000 scutorum Romanorum. Hinc una voce protestantes authores cum catholicis eos certatim celebrant.

[11] *Cf.* No. 115, § 10.

Verum haec utilissima institutio infeliciter exponitur maximo destructionis periculo ex parte regiminis Anglicani; incensi nimirum tum desiderio comparandi ejus bona, tum secreto quod in pectore nutrit odio in sanctam religionem quam victoriose defendit. Hinc ipsius directoribus strictissime prohibitum est, ne ullum quodcumque vel etiam epistolare [!] commercium habeant cum suis fratribus Lutetiae Parisiorum degentibus. Hinc iterum omnis Sulpitianus sacerdos ex Gallia oriundus interdicitur adire Montréal.[12] Spem enim nutriunt ministri Anglici regiminis, quod defectu membrorum aliquando tandem dissipabitur celebre illud seminarium, et consequenter, sine ulla difficultate, ante paucos annos bonorum ipsius possessionem acquirent.

Veneror certissime tum Ill. DD. archiepiscopum Quebecensem, tum episcopum Telmessensem olim meum fratrem et socium [*S.S.*]. Imo dicam, me ipsis esse sincerae charitatis et amicitiae vinculis congruentissimum. Quonam motivo ducuntur? Deus solus scit. Verum ex omnibus epistolis, quae ex utraque parte ad me transmissae sunt, mihi certo constat illos ven. Praesules multum nimis accedere infaustissimis regiminis Anglicani consiliis.

Hinc episcopus Telmessensis, cum dirigente archiep. Quebecensi, omnes suos conatus adhibuit ut intra ipsummet seminarium Montréal resideret; atque insuper parochiam, cujus superior Seminarii est indubitatus patronus, occuparet; ea intentione videlicet ut iste gradatim excluderetur ab officiis quibus hucusque tam laudabiliter ejus praedecessores et ipsemet functi sunt.

Hinc arch. Quebecensis nuperrime interrogavit Sacram Congregationem, utrum sacerdos Canadiensis sine sua licentia possit ingredi congregationem secularem; atque insuper utrum possit, invito superiore, sacerdotem ex congregatione seculari retrahere. Haec omnia evidenter diriguntur contra seminarium Montréal; imo contra ipsiusmet existentiam.[13] Siquidem Sulpitiani Canadienses soli sunt qui in Quebecensi provincia congregationem secularem constituunt.

Hinc iterum interrogavit Sacram Congregationem utrum dispensatio concessa a vicario generali sit valida, quando ipsemet archiepiscopus in iisdem circumstantiis eam prius denegavit. Haec quaestio moralis dirigitur contra ven. superiorem Seminarii Montréal D. Roux, qui vicarii generalis, sicuti omnes sancti ejus praedecessores, officio nunc fungitur.[14]

Verum scire debet Sacra Congregatio quod illam dispensationem concesserit, nesciens utrum oratores prius archiepiscopum adierint, necne; atque tanta est equidem superioris doctrina, prudentia et pietas, ut non

[12] *This was the policy of the British Government with regard to all priests, since the cession of Canada, sixty years before.*

[13] *Cf.* No. 135, pp. 558, 559, 571.

[14] *From the context it would appear that the licence so accorded was that of permitting a secular priest to become a Sulpician. In this connection compare* No. 120, Quaestiones 1ª, 2ª.

solum hanc dispensationem valide sed etiam licite concessisse indubitatum sit.

Ex his brevibus observationibus concludendum est Sacram Congregationem non nimis caute posse procedere in istis quaestionibus, quae ab archiepiscopo Quebecensi ipsi proponuntur; quia nempe finem habent ulteriorem longeque graviorem eo qui prima fronte exhibetur.

Atque si in negotio mihi prorsus extraneo, sed quod tamen cum prosperitate religionis catholicae in vastissima Canadiensi provincia connectitur, fas sit pauca loqui, mihi videtur sapienter admodum acturam fore Sacram Congregationem si, prima vice qua sese offerat occasio, suaviter adhortaretur episcopum Telmessensem ad protegendum seminarium Montréal, quia certissime ejusdem immensae utilitatis ipsius Amplitudinis erit ac fuit per 150 annos omnibus Canadiensibus episcopis et late religioni catholicae; insuper si illum amice induceret ut ecclesiam vulgo dictam Boni Auxilii (du Bon Secours), quae pulcherrima est et in civitate Montréal jacet, in parochiam erigeret, eamque suam constitueret ac declararet ecclesiam cathedralem; aut, quod certe longe melius foret, ut ad exemplum coeterorum episcoporum Canadiensium,[15] occupare vellet parochialem ecclesiam trans flumen Sancti Laurentii quo ab insula Montréal dividitur, ubi ipsius praesentia omnibus catholicis gratissima foret et religioni valde utilis.[16]

Quantum ad honores ipsius Amplitudini debitos, certissimum est superiorem et directores Seminarii Montréal lubentissime et in omnibus circumstantiis ipsi testificaturos fore omnem debitum amorem, obsequium et venerationem, praesertim quotiescumque dignabitur visitare Seminarium vel parochiam ipsi annexam, et cujus patronatum habet [*Seminarium*].[17]

D. 1822, February 22.

Marechal, Rome, 22 Feb., 1822, to Belli, Propaganda. Reasons for interposing in the Canadian controversy, and for not signing his memoir.

Rome, 22 Fev. 1822.

Mon cher et respectable Abbé,

Je me suis présenté ce matin chez vous. Mon dessein étoit de vous remettre en mains quelques notes sur les affaires du Canada.

Pendant que j'étois à Baltimore, Monseigneur l'Archevêque de Québec et Mr. Roux Supérieur du Séminaire de Montréal m'ont écrit au sujet de leurs différens. Regardant ces petites disputes comme m'étant étrangères, j'ai toujours évité de leur dire ce que j'en pensois. J'observerois même encore le silence, si je n'avois reçu de nouveau hier deux lettres d'un ecclésiastique respectable du Canada, dans lesquelles il me prie instamment,

[15] *As a bishop, Mgr. Lartigue had no predecessors in the district of Montreal.*

[16] *On the purport of this paragraph compare supra*, No. 120, 5a. *As a contrast with the policy of it, cf.* No. 94, pp. 323, 324.

[17] *This last clause evidently refers to immunity from any episcopal interference, as expressed in* Courtes réflexions, *infra*, E, *first paragraph. Compare* No. 120, 4a.

au nom de la religion, d'éclairer la Propagande sur le veritable sujet des discussions qui existent dans ce pays. Je vous envoye, cy-incluses, quelques observations,[18] qui peut-être ne seront point inutiles. S. E. Card. Fontana étant très indisposé, je n'ai pu les lui remettre.

Je ne signe point ces notes, parceque je désire qu'il ne soit point connu que je les ai écrites. Le fait est que je respecte également les deux partis, et que je serois infiniment fâché de déplaire à l'un ou à l'autre. Je ne les ai pas même communiqués au respectable Abbé Gradwell ; car, comme il est l'agent de Monseig. l'Archevêque de Québec, je craindrois de le gêner dans l'office qu'il remplit en faveur de Sa Grandeur.

Je suis avec beaucoup de respect et de reconnoissance pour toutes vos bontés,

Mon cher et respectable Abbé
Votre très humble serviteur
+ Amb. Arch. Balt.

Addressed : A Monsieur Mr. L'abbé Belli à la Propagande, Rome.

E. (1822, February 22.)

(*Marechal, Rome, 22 Feb., 1822, to the Abbé Belli, Propaganda.*) *State of the case between the Canadian prelates and the Sulpicians of Montreal.*

Canada. Confidentiel.

Courtes réflexions sur l'état présent de la religion dans le Canada recommandées au zêle . . . de S. E. le Card. Fesch.

. . . Louis XIV. . . . les [*Sulpiciens*] fit seigneurs de l'isle et en cette qualité leur accorda quelques droits seigneuriaux sur les habitans ; et c'est la perception de ces droits qui forme le revenu principal de cette maison de missionaires . . . et non seulement le Supérieur du Séminaire est seigneur de l'isle de Montréal, il est en outre le patron des églises, qui sont sur cette isle. Ni la puissance civile, ni la puissance ecclésiastique ne lui a jamais contesté ce droit. Par le fait, ces églises sont baties sur le terrain du Séminaire à ses frais, et ont été depuis leur existence des[*s*]ervies par des missionaires du Séminaire, envoyé[*s*] par le Supérieur.[19]

Malheureusement le ministère Anglois cherche à renverser ce boulevard de la religion catholique, et à s'emparer de ses biens. Comme il ne peut le faire d'une manière ouverte, il prend des voies indirectes, dont la principale est d'interdire à tout Sulpicien de France d'entrer dans le Canada.[20] Il espère que cette célèbre maison ne poura se recruter parmi les natifs ; qu'elle s'éteindra dans peu d'années, faute de sujets, et qu'alors il pourra s'emparer de ses propriétés, comme il s'est déjà emparé de celles de plusieurs communautés religieuses.[21]

Mgr. L'Evêque de St. Paul de Léon, by his influence with Mr. Pitt, had

[18] Courtes réflexions (?), E, *infra*.

[19] *This was identically the case with the churches on the Jesuit estates in Maryland. Cf.* No. 120, note 4.

[20] *Cf. supra*, C, note 12.

[21] *The Jesuit estates in particular.*

saved the situation for St. Sulpice. Fourteen young Sulpicians had been allowed to enter Canada in 1792 and 1793.

Heureux ! Si Mgr. Duplessis, Archevêque actuel de Québec, imitoit cet exemple de Mgr. de St. Paul de Léon. Il pouroit concourir efficacement à la conservation d'un établissement si cher à la religion.

Mais, poussé par des vues assurément bien différentes de celle du ministère Anglais, il est certain qu'il cherche la destruction de ce Séminaire et à s'emparer de ces biens.[22] Et c'est pour y réussir qu'il a fait nommer Mr. Lartigue Evêque de Telmesse, et l'a fait son Grand Vicaire pour le district de Montréal. Il a choisi ce prêtre respectable, dont la timidité et l'extrême simplicité de moeurs ne lui permettent point de se refuser à devenir l'instrument du projet qu'il a medité. Pour réussir avec plus de sûreté, aussitôt que Mr. Lartigue a été sacré, Mgr. Plessis lui a ordonné d'aller fixer sa demeure dans le Séminaire même de Montréal, sur le quel il n'a pas le moindre droit de propriété ; et de fixer son thrône episcopale dans l'église paroissialle annexée au Séminaire, et d'en faire sa cathédrale, quoique cette église appartienne au Séminaire et ait été batie à ses frais. *Accordingly, the two prelates have applied to the Propaganda, urging the claim of the new bishop at Montreal,* quoique simple Grand Vicaire de Mgr. Plessis, évêque in partibus. Son but est d'élever d'une manierre permanente son thrône dans l'église même du Séminaire, et graduellement d'en exclure le Supérieur qui en est le curé et le patron, ainsi que ses prédécesseurs depuis plus d'un siècle.

De son coté, Mgr. Plessis a demandé s'il ne pouvoit pas empêcher des sujets d'entrer dans des communautés séculierres et d'en retirer ceux qu'il jugeroit à propos.[23] Cette demande est evidemment dirigée contre le Séminaire de Montréal, puisqu'il forme la seule communauté séculierre qui existe dans le Canada. Que la Propagande décide qu'il a ce droit, et avant peu le Séminaire sera dispersé.

Evil consequences of the dispute. 1. The Catholics of Montreal would regret to see Mgr. Lartigue resident in their midst ; parceque déjà ils le regardent comme ayant formé le dessein de détruire un établissement, qui n'a cessé depuis 150 ans de verser sur eux des bienfaits en tout genre, et dont les membres sont si exemplaires qu'ils commandent le respect universel ; même des Protestants.[24]

2. Le peuple situé sur le rivage méridional du fleuve [*outside of Montreal*] sera offensé si Mgr. Lartigue, au lieu d'imiter ses prédécesseurs[25] qui ont fixé leur séjour au milieu d'eux, persiste à les abandonner, et à aller demeurer a Montréal, où sa présence est au moins inutile.

[22] *This was exactly the issue started by the Ordinary of Baltimore with the Jesuits, and then pending in Rome. Compare the dates (January, February, 1822) of Marechal's pleas,* No. 116, A, C, E.

[23] *Cf. supra,* No. 115, § 5 ; *and* note 4, *ibid., on Bishop Egan.*

[24] *Compare the antecedents of the Jesuits in Maryland, during 177 years ; supra,* Section II.

[25] *Cf. supra,* C, note 15.

3. *The English Anglican Church in Canada, or at least the English Government, will obtain the vacated property of the Sulpicians, when their Seminary shall have been dispersed:* Messeig. Plessis et Lartigue seront les dupes de leur projet.[26] *And the Canadian Catholics rebelling will renew the scenes enacted in New York and Philadelphia.*

C'est pour prévenir de semblables malheurs, que j'ai cru vous faire ces observations "confidentielles," et s'il m'étoit permis dans une matierre aussi grave d'émettre mon sentiment je conseillerois à la Propagande:—

1. La première fois qu'elle aura occasion d'écrire à Mgr. Lartigue de l'exhorter à soutenir de tout son zèle le Séminaire de Montréal, établissement cher à la religion et au S. Siège; et loin d'attenter aux droits tant religieux que civils[27] des directeurs, de les respecter et de les défendre, autant qu'il sera en son pouvoir; et surtout d'aller s'établir, comme les prédécesseurs, dans quelques unes des belles églises situées sur le bord méridional du fleuve St. Laurent, où sa présence est désirée et nécessaire.

2. Quant à Mgr. l'Arch. de Québec [*Plessis*], je lui répondrois qu'à la vérité un évêque a bien absolument le droit d'empêcher quelques uns de ses sujets d'entrer dans une communauté séculierre et d'en retirer ceux dont il a indispensablement besoin. Mais que de faire usage de ce droit pour détruire la seule Congrégation qui existe dans le Canada, à la quelle la Province doit tant de bienfaits, qui s'est établie et conservée avec des frais immenses, et cela non seulement avec l'approbation, mais même à la prière de ses prédécesseurs etc., seroit faire un usage bien malheureux du droit qu'il possède; qu'il est très vrai que cette maison sainte aura de la peine à se recruter; mais qu'il faut espérer que la Div. Providence lui en fournira les moyens, et que, bien loin d'en précipiter la ruine pour obtenir ses biens,[28] le St. Siège verra avec beaucoup de plaisir que Sa Grandeur employe toute son influence pour sa conservation.[29]

Propaganda Archives, America Settentrionale, Canada, Nuova Brettagna, Labrador, Terra Nuova, dal 1792 al 1830, II.; ff. 251, 252 (*Marechal to Belli?*), Courtes réflexions (*also* ff. 261, 262); f. 255, *Marechal, Rome, 20 Feb., 1822, to Fesch;* ff. 256, 257, *Marechal to Fesch,* Observationes in praesentem statum religionis catholicae in provincia Canadiensi; ff. 258, 259, *duplicate of the same;* f. 260, *Marechal, Rome, 22 Feb., 1822, to Belli.*

These being the views of Mgr. Marechal on the respective rights of Ordinaries and ecclesiastical bodies corporate in a diocese, his own theory expressed as above, in the case of the Canadian Sulpicians and the Bishop of Montreal, agreed with the statement made to him by Father Charles Neale, that, in the case of the

[26] *Cf.* No. 131, note 9, *the General's Memorial noting a similar result of Marechal's policy against the Society.*

[27] *Compare the civil rights of the Jesuit Corporation in Maryland, acknowledged by Marechal, and uniformly assailed by him.*

[28] *Cf. supra,* No. 135, B, *seq., Marechal's policy with the Maryland Jesuits.*

[29] *Cf. supra,* No. 131, note 5.

Maryland Jesuits and Archbishop Marechal, the gracious Brief sued for by the latter at the very same time was founded on a false supposition; *and with the similar observation of Father Anthony Kohlmann, in his Libellus Supplex to the Pope, that* il Breve di Pio VII. era appoggiato sopra un falso supposto (No. 135, note 50, p. 573). *However, somewhat later, Mgr. Marechal's views seem to have changed with respect to the Sulpicians, both those in Canada and those in his own episcopal city of Baltimore.*

F. 1822, November 22.

The C. Neale–B. Fenwick Memorial, 22 Nov., 1822, on Mgr. Marechal and the Sulpician property, in relation to his claims on the Jesuit property. Cf. No. 184.

The subsidy from the Corporation was not accorded to his [*Archbishop Neale's*] successor, Dr. Marechal, at least to the same extent, for several reasons.

. . . Fourthly. Because Dr. Marechal being a member of the very respectable Congregation of St. Sulpice, which Congregation is possessed and actually in the enjoyment of property in Baltimore, as well as in other parts of the United States (to say nothing of that at Montreal in Canada, which is immense), not greatly unequal in value, and certainly far less encumbered, and for these some years past more productive than that of the Society or Corporate Body: the Trustees, taking this into consideration, were and still are of opinion, that he (Dr. Marechal) should rather have addressed himself to his own than to another community to supply any deficiency that might occur in the support of his table. They imagined, after surrendering all their property in Baltimore to him,[30] they had done their part, and indeed more than, in justice to themselves and those for whom they acted, they ought to have done.

G. 1824, July 6.

Beschter, Baltimore, 6 July, 1824, to Dzierozynski.

His interview with Archbishop Marechal, whose views regarding a Corporation now comprise all corporate bodies of priests, secular as well as regular; they are all a danger to a diocese. Discontent of the Sulpicians at the principles expressed by Mr. Whitfield about their tenure of property. See supra, No. 135, note 40, p. 553.

[30] *Cf.* No. 94, p. 325.

H. 1824, November 12.

Marechal, Baltimore, 12 Nov., 1824, to Gradwell, Rome.

The Archbishop of Quebec wrote to Marechal, soon after the return of the latter from Rome, on the subject of the controversy with the Seminary of Montreal. Probably, the erection of the new cathedral in that episcopal seat will put an end to the dispute. See supra, No. 135, note 40, p. 553.

J. 1824, December 14.

Beschter, Baltimore, 14 Dec., 1824, to Dzierozynski.

. . . The Rev. Mr. Tessier [*S.S.*] paid me a visit to-day; and I had a long conversation with him about our affairs with the archbishop. He said that it was really a distressing thing to see that the archbishop had no kind of support. We talked over the Act of the Corporation, the acquisition of the property, and of the spirit of the law to preserve it. I believe to have proved to him that it could not be considered ecclesiastical property, more than their own property. . . .[31]

K. 1826, June 30.

Beschter, Baltimore, 30 June, 1826, to Dzierozynski.

. . . Our archbishop intended to go this summer to Cannada, and probably with the Superior of the Sulpicians to Europe. But, when he saw in the Gazettes that the Rev. Mr. Leroux had sailed in company with the Rev. Mr. Richard of Alexandria, he desisted from that journey. *The archbishop seems to be contemplating a visit to Rome.*

L. 1826, July 9.

Beschter, Baltimore, 9 July, 1826, to Dzierozynski, Georgetown.

P. C. Rev. Father Superior,

The secret of our archbishop's sudden disappearance is disclosed. The Superior of the Sulpicians in Canada has the same struggle with the new Archbishop of Quebec as we have with ours; and that is the cause of his (Mr. Roux') going to Rome, and of our archbishop going to consult matters with the Bishop of Quebec, and consider if it should not be worth while to go to Rome together, etc.

In Paris they [*the Sulpician superiors?*] find it very hard to see the Sulpicians here vexed by a Sulpician bishop or archbishop. This disclosure was made this day by a Sulpician to myself, and I will add this in the letter to our Gl. [*General*].

The Rev. Mr. Wheeler [*S.S.*] mentioned to-day a desire to visit for some days Georgetown College after their examination is over, and before the Exercises of the public in Hartford, where he is to take a share. He mentioned to me that, in France and in England, when called upon to

[31] *On the use of the term* ecclesiastical, *cf. infra,* No. 197.

say what was the difficulty with our archbishop and the Jesuits, he always said that the archbishop had no more right to our property than to theirs, and that certainly he had none to either.

I respectfully remain,

Rev. and Father Superior,

Your devoted and obed^{t} Servant in Christ,

J. W. Beschter S.J.

Baltimore, 9 July, 1826.

M. 1826, July 30.

Beschter, Baltimore, 30 July, 1826, to Dzierozynski, Georgetown.

On the return of the archbishop, his Grace of Quebec being away from home. The movements of the episcopate: the Bishop of New Orleans to Rome; the Bishop of Cincinnati after him; the Archbishop of Baltimore to Canada; the Bishop of Philadelphia to Baltimore, then to New York after the Archbishop of Baltimore; the latter turning back, because the Archbishop of Quebec was reported to be 200 miles from his see. All this is a real curiosity.

N. 1826, November 15.

Bernard Claude Panet (new Archbishop of Quebec), 15 Nov., 1826, to Dr. Gradwell, agent, Rome. On M. Roux, Mgr. Lartigue, and the cause pending, which should not be decided in Rome according to ex-parte statements.

On the Bulls for Mr. Signay, as coadjutor.

Le bruit s'est répandu jusqu'ici que Mess. Roux et Richards étoient partis pour Rome. Il est bon que vous sachiez que Mr. Roux en juin dernier m'a écrit qu'il partoit à cause de sa santé avec Mr. Richards, qui devoit l'accompagner pour les Etats-Unis; que, rendu à New-York, il passeroit en France si les médecins de cette ville le lui conseilloient; et que son absence dureroit un an, et en même temps qu'il n'attendroit pas ma réponse, et qu'il alloit partir incessamment avec Mr. Power, administrateur du diocèse de New-York. La veille de son départ une partie de sa communauté l'ignoroit même, dit-on. Vous voyez que ce Mr. a abandonné le diocèse sans ma permission, quelque Grand Vicaire qu'il soit. Il me semble qu'il n'auroit pas dû quitter le diocèse sans avoir reçu mon consentement pour lui et son compagnon de voyage. Si ce Mr. est parti de Montréal dans le dessein d'aller à Rome pour faire tomber l'établissement du Dr. Lartigue à Montréal, comme on le dit ouvertement, c'étoit évidemment vouloir me tromper pour m'ôter la liberté de réclamer contre ce qu'il pourroit y proposer au détriment des affaires de Montréal, puisqu'il prétextoit seulement sa santé, comme but de son voyage en France. En tout état de cause, je suppose que le St. Siège ne décidera rien dans sa sagesse, auparavant de connoître nos moyens de défense. S'ils présentent

quelques mémoires en faveur de leur cause, comme mon agent on vous en donnera j'espère communication, et s'il vous manque quelque information on doit vous donner le temps d'en recevoir d'ici, avant de terminer ce nouveau différend. Envoyez-moi une copie de leur écrit, si c'est possible. J'ajouterai, avant de finir cet article que dans un pays comme celui-ci, où l'on souffle de toutes parts la liberté et l'indépendance, il n'y a pas de plus mauvais système que de soutenir les inférieurs contre les supérieurs. Si malheureusement sa cause se décidoit en faveur du Séminaire de Montréal, et que la mesure adoptée par le Pape Pie VII. d'heureuse mémoire au sujet de Mons. Lartigue fût changée, on verra mais trop tard le mal que ce changement aura produit dans notre chère église du Canada. Qu'arrivera-t-il ? C'est que l'Evêque, qui n'a déjà pas trop d'influence et d'autorité, la perdra peu à peu au détriment de la religion. Je vais tâcher de dresser un petit mémoire sur l'affaire en question, si je peux en trouver le loisir. Vous en ferez alors l'usage que vous jugerez convenable.

Request for faculty to ordain ad titulum missionum.

Political reasons why the Brief appointing Mgr. Lartigue for the district of Montreal was never read publicly, because Plessis considered the title of Archbishop, which occurred in the Brief, to be dangerous in face of the British Government, which recognized only one archbishop in the empire, the prelate of Canterbury. Hence provisions to be made, either in drawing up the Brief for the consecration of Mr. Signay, or in allowing Panet to modify the language of the Brief when publicly read, "without incurring the excommunication pronounced against falsifiers of Apostolic Letters."

Je n'ai plus rien à ajouter, si ce n'est que pour le bien de la religion le St. Siège est intéressé à maintenir tout ce qu'il a établi, puisque ses intentions étoient droites. Si tout cela est changé, la place de mon suffragant de Montréal n'est plus tenable, et ne remplit pas le but désiré. Il ne faut pas que quelques particuliers l'emportent sur la population générale de ce district, qui renferme près de 200,000 âmes, et qui ne demandent pas mieux que d'avoir un Evêque à leur tête en qualité de mon suffragant etc., et ce jusqu'à des circonstances plus favorables.

Je suis avec beaucoup de considération,

Monsieur,

Votre très humble et très obéiss. serviteur,

+ Bern. Cl^{E}, Evêque de Québec.

Québec 15, 9^{bre} 1826.

Mons. Gradwel.

P.S.—*On the collection made as a contribution to the restoration of St. Paul's basilica, Rome. It will come to more than 1400 dollars. Homage to His Holiness.*

Addressed : Rev. Dr. Gradwell. Collegio Inglese. Roma.

O. 1828, February 18.

Beschter, Baltimore, 18 Feb., 1828, to Dzierozynski. (*Three weeks after the death of Mgr. Marechal.*)

. . . Since my last the Rev. Mr. Whitfield came to me and said he wished, if ever he is appointed the Archbishop of Baltimore, to live in friendship with the Society. I said nothing was more easy, provided they were left at liberty to live according to their institute, and their privileges. He dined with me this day, and told me he saw a letter of the Rev. Mr. Garnier, the present Superior of the Sulpicians in Paris, to the late archbishop, in which he exhorts him to live in friendship with the Jesuites, if he wished to be happy and to be successful in his spiritual carriere. . . .

Particulars from Rev. Mr. Résé, now in Rome, about Kohlmann, Dubuisson, the Sovereign Pontiff who spent the month of October last in the house of the Society at Tivoli; that the Rev. Mr. Mertz will return to America; that our young American Jesuits are still dispersed in the Italian colleges, and that nothing yet is known of their departure for America. . . .

English College Archives, Rome, Gradwell Collections, Letters from Baltimore and Quebec, f. 148; *Marechal, Baltimore, 12 Nov., 1824, to Gradwell.—General Archives S.J., Maryl. Epist.,* 6, ii., *C. Neale-B. Fenwick Memorial, as infra,* No. 184.—*Md.-N. Y. Province Archives, Beschter, Baltimore, to Dzierozynski, 6 July, 1824; 14 Dec., 1824; 30 June, 1826; 9 July, 1826; 30 July, 1826; 18 Feb., 1828.—Propaganda Archives, as above,* p. 590; *ff.* 417, 418, *Panet, 15 Nov., 1826, to Gradwell. Accents supplied.*

P.

In the Public Record Office, London, under the head of Canadian Jesuit Estates, 1790, *after eight rolls,* A–H, *there is inserted a roll of documents,* I, *entitled :* Papers relating to the Estates of St. Sulpice in Montreal, *belonging to the years* 1826, 1827. *The chief names occurring are those of M. Roux, Lord Dalhousie, Sewell, Felton, his Majesty's ministers at Downing St., the Pope's Nuncio at Paris. The latter submits a paper to Lord Grenville for transmission. The relevancy of these papers to the subject of the foregoing documents we leave to the special student.*

Public Record Office, London, Colonial Correspondence, Canada (Quebec), 1790, 50, I.: Jesuit Estates.

No. 140. **1826, November 28.**

Marechal to Gradwell. *On Ironside.*
Marechal to his successors. *Testamentary memorandum.*

A. Balt^e 28 Nov^bre 1826.

MON CHER DOCTEUR,

Vous avez reçu, je l'espere, ma reponse a la proposition ambigue que m'a faite le P. Fortis, par le canal de la Propagande en datte du 5 août dernier. J'attends avec une sorte d'impatience le résultat de mon refus a cette proposition, tant que son sens ne sera pas determiné d'une manierre distincte et précise. Ç'a toujours été pour moi un mystère comment mes adversaires ont osé écrire a Rome que le Président des Etats Unis m'avoit ecrit des lettres ménacantes, etc., etc. Ce mystère est presqu' eclairci. Il y a dans le bureau des affaires etrangères une espèce de sous-secrétaire nommé Ironside. Le bruit se repand qu'il a été corrompu par mes adversaires et qu'il [*a*] envoyé plusieurs papiers contre ma cause aux Jesuites de Rome, sans la connoissance et le consentement des officiers superieurs de ce departement. Il y a quinze jours, j'ai diné avec le secretaire des affaires étrangeres (M^r Clay) qui m'a comblé d'honnetetés; j'etois fort tenté de lui communiquer le bruit qui couroit. Cependant la crainte que cet Ironside ne fut immediatement chassé de sa place comme faussaire m'a retenu. Je vous prie de faire tout ce que vous pourez pour m'obtenir une copie des papiers signés Ironside, qui peuvent avoir été presentés a la Propagande. Mg^r Caprano ne peut me les refuser en toute justice.[1] Mille respects a mon illustre defenseur[2] Strada Julia.[(a)] Rev. M^r Whitfille vous presente

Marechal. New terms of declining the General's offer.

Ironside's papers to the Propaganda.

(a) *These two words*, Strada Julia, *are cancelled.*

[1] *Gradwell* (*27 Feb., 1827*) *answered in a few lines:* no papers have come to Propaganda that can cast any imputation on Mr. Ironside (No. 213); *which means, no doubt, that information in reply to such a demand was, in the nature of the case, impossible. Still Ironside did communicate documents, not, as far as we know, to the Propaganda, but to the General of the Society in Rome; and we have them in the archives, besides having his own description of them* (No. 207). *They are authenticated by four officials of the State of Maryland, and one great authority in the Department of State, Washington. Those in Maryland are: Thomas Harris, Clerk of Court of Appeals, Western Shore, Maryland; John Buchanan, Chief Judge of the State of Maryland; Thomas Cullreth, Clerk of the Council of the State of Maryland; Ramsay Waters, Registrar of the Court of Chancery of the State of Maryland; the dates being the 6th and 7th days of December, 1825. The one great authority in the Department of State, Washington, who accompanies the foregoing with Letters Patent, is Henry Clay, Secretary of State, 16 Dec., 1825.* (*General Archives S.J., Maryl. Epist.*, 2, ii.; *Ibid.*, 6, iii., *Ironside's letter, 16 Dec., 1825, to the General. See his letter infra*, No. 207.) *The General* (*27 Aug., 1825, to Dzierozynski*) *had called for authenticated copies of the Corporation charters, as also of any laws corroborating statements in the Memorial to the Propaganda* (*16 Aug., 1825*). *Cf.* No. 133, A, note 4.

[2] *Card. Fesch lived in the palazzo Falconieri, Strada Julia, Rome.*

des homages. Acceptez les miens en même tems. Je suis toujours et bien sincerement,

Votre humble S^r^
+ A., A. B.

Rome, English College Archives, as above, f. 249.—*Propaganda Archives*, Scritture riferite nei Congressi, 1823–1826, America Settentrionale, vol. 8.

Dr. Gradwell called five times on the Jesuit procurator of the Roman Province, and received five quarterly payments of the Italian beneficence to the mensa of Baltimore. The archbishop, dying on the 29th of January, 1828, left the following testamentary memorandum for his successors in the see of Baltimore (*cf.* No. 133, C):—

B.

De mensa episcopali Praesulis Baltimorensis.

The Jesuits, who now possess all the ecclesiastical property of Maryland by virtue of an act of incorporation,[3] having constantly refused to grant me an annual revenue, similar to that which they paid to my ven. predecessors since the erection of the see of Baltimore, I was at last forced to traduce them before the tribunal of the Holy See. They opposed my claims by all the arguments their ingenuity could invent. But on the 23^d^ July, 1822, Pius VII. by a Brief condemned them to deliver me 2000 acres of the land of White Marsh, together with the hands, houses, &c. This Brief they rejected under various pretexts. Some went even so far as to accuse His Holiness of usurping a jurisdiction dangerous to the safety and peace of these United States, and solicited the protection of the President. In vain the Pope and the General of the Society exhorted them to submission and obedience. And, as there were strong reasons to believe that there existed a secret understanding between the Jesuits of Rome and of Maryland, the S. Pontiff condescended to accept a proposition made by the General, in his name and of his successors, to pay me every year 800 Roman crowns, from the first Nov^r^, 1826. I acceded to that proposition, provided the said annuity be continued and faithfully paid to my successors.[4] I appointed Dr. Gradwell, president of the English College, my agent in Rome, to receive 200 Roman crowns every 3 months from the General, which are transmitted to me by Messrs. Wright and Co., bankers, No. 5, Henrietta St., Covent Garden, London.

Georgetown College Transcripts, Shea's abstracts, 1816–1827; a copy.

The authentic documents, containing the rectifications due to six of the statements in this testamentary memorandum, have partly been

[3] *Cf.* No. 187: *Dr. J. G. Shea's observation on this passage.*
[4] *Cf.* No. 133, C.

given in the present Section III. *All of them, concerning the final settlement, are presented infra in* Section VII., "*Sequel and Critique,*" No. 212.

While papers and representations and repetitions went to fill the archives, putting on record for future generations the foregoing accounts about "adversaries," the history diffused itself in the general Catholic world of Italy and France. It penetrated into the periodical literature of L'Association pour la Propagation de la Foi.

In Rome, Nicholas Wiseman, agent for Dr. Eccleston, fifth Archbishop of Baltimore, noted (17 Aug., 1833) the repugnance which was manifested by Mgr. Mai, Secretary of the Propaganda, in presenting the demands from Baltimore. The Mgr. considered it an invidious case against the Society (*infra,* No. 216). *When the agent urged the matter at the Curia of the Jesuit General, demanding still for Baltimore a pension from the Italian Jesuits, a memorial addressed to a Cardinal, apparently by Father Manucci, Procurator General of the Society, described the whole business as* un affare già di sua natura disgustoso (*Ibid.*).

In France, Father Stephen Dubuisson, while on his way from Rome to America in company with young Father James Ryder, wrote from Lyons to the General, Father John Roothaan (5 Oct., 1829), that "people here described the Mission of the United States as scarcely belonging any more to the Society, as almost separated and withdrawn from your authority, in consequence of the affair with Mgr. the Archbishop of Baltimore." The Marquis Pacca, with whom they had travelled from Turin, now "knew positively that we belonged to the Society." This misconception of the Maryland Jesuits made it necessary for Father Dubuisson, when dealing with the Association for the Propagation of the Faith, to introduce Father General as intermediary, in receiving alms for the American missions; thereby reassuring the charitable Association that the Americans were really Jesuits (No. 218).

The action of several American prelates at that time and later, besides the tenor of documents forwarded from America to the Propaganda (cf. No. 219), *showed the same prejudice and even animosity*

roused against the Jesuit Corporation of Maryland. And, in the city of Baltimore, as late as the last years of the nineteenth century, we have heard the old tradition referred to as a matter of history, that the Jesuits were in possession of property which never rightly belonged to them.

In the following Sections we shall give a series of documents, which exhibit the complete history of that incorporated body so often referred to, under the name of the Select Body of Clergy, *or the* Corporation. *As noted in the Preface, this will be in part a history of ex-Jesuits, and, under an entirely new aspect, it will be a biography of John Carroll. Besides the subjects treated in this present* Section III., *there will appear the entire course of that eleemosynary institution, which being at first intended to manage the temporalities of ex-Jesuits for themselves, at that time almost the only missionaries on the ground, insensibly became a centre of beneficence for other missionaries entering into the same vineyard of the Lord. The administration of beneficence could scarcely have been more smooth and natural than it was from the time when Bishop Carroll succeeded in obtaining a place at the Board as one of the Trustees. Most assiduous in attendance, he always bore the formal character of Ordinary, and at the same time he availed himself of his new character as Trustee and his old influence over his colleagues to direct, as far as he might, the policy of their administration in favour of all ecclesiastical interests.*

Here will appear a side view of matters, which rendered the situation so complicated at a later day. A sparse body of ex-Jesuits had developed into a revived Society, at first in foro interno, when they remained for all diocesan purposes secular priests, afterwards in foro externo, when they came to consist of nearly one hundred members, belonging canonically to a regular Order of the Church. Then they withdrew their means from external eleemosynary uses to meet the necessities of a novitiate, scholasticate, and college. Meanwhile all the chief men among them were still needed as missionaries for the parochial service, which agreed little with the organic necessities of a regular body, reconstructing itself according to rule and method. The scarcity of a secular clergy perpetuated this state of things for a long time. Still, the question of temporalities apart, there was no reason why the relations between the Order and the Ordinary should not have remained

as harmonious as in the time of the first and second Archbishops of Baltimore.

To these antecedents will be added the entire sequel of the foregoing controversy; so that in future nothing need be wanting to the fund of facts for an adequate record of all that is true history.

END OF PART I. OF VOL. I.

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